

भारत का राजपत्र **The Gazette of India**

प्राधिकार से प्रकाशित
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सं० 51] नई दिल्ली, शनिवार, दिसम्बर 21, 1968/अग्रहायण 30, 1890
 No. 51] NEW DELHI, SATURDAY, DECEMBER 21, 1968/AGRAHAYANA 30, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
 Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस NOTICE

नीचे लिखे भारत के प्रसाधारण राजपत्र 4 दिसम्बर, 1968 तक प्रकाशित किये गये :—
 The undermentioned Gazettes of India Extraordinary were published up to the 4th December 1968:—

Issue No.	No. and Date	Issued by	Subject
445.	S.O. 4206, dated 22nd November, 1968.	Ministry of Labour Employment and Rehabilitation.	Award of the National Industrial Tribunal, Dhartad in the Industrial dispute between the Management of the Indian Airlines Corporation and Air India Corporation and its Pilots.
446.	S.O. 4207, dated 23rd November, 1968.	Ministry of Information and Broadcasting	Approval of films specified therein.
447.	S.O. 4208, dated 25th November, 1968.	Ministry of Food, Agriculture, Community Development and Co-operation.	Appointment of National Seeds Corporation Limited as a Certification Agency for the State of Uttar Pradesh.
इस. प्रो० 4209, दिनांक 25 नवम्बर 1968	खाद्य, कृषि, सामुदायिक विकास तथा सहकारिता मंत्रालय	राष्ट्रीय बीज निगम लिमिटेड को उत्तर प्रदेश के लिए एक सर्टिफिकेशन एजेंसी के रूप में नियुक्त करना।	

Issue No.	No. and Date	Issued by	Subject
448.	S.O. 4210, dated 25th November, 1968.	Election Commission of India.	Amendment made in the Notification No. 56/68-VII (S.O. 2960) dated 31st August, 1968.
449.	S.O. 4211, dated 26th November, 1968.	Ministry of Information and Broadcasting.	Approval of films specified therein.
<p>एस० ओ० 4212, दिनांक सूचना और प्रसारण अनुसूची में दो नई फिल्म की स्वीकृति प्रदान करना ।</p> <p>26 नवम्बर 1968 संसदालय</p>			
450.	S.O. 4297, dated 27th November, 1968.	Election Commission of India.	Amendment made in the Notification No. 56/68-VIII (S.O. 2960) dated 31st August, 1968.
451.	S.O. 4298, dated 27th November, 1968.	Ministry of Industrial Development and Company Affairs.	An Order regarding the management of the India Electric Works, Ltd., Calcutta.
452.	S.O. 4299, dated 28th November, 1968.	Ministry of Labour, Employment and Rehabilitation	Industrial Dispute between the management of Life Insurance Corporation of India, Bombay and their workmen has been referred to a National Industrial Tribunal at Calcutta for adjudication.
453.	S.O. 4300, dated 29th November, 1968.	Ministry of Railways.	Amendment made in the notification No. TC-III/3036/58, dated 28th August, 1968.
454.	S.O. 4301, dated 30th November, 1968.	Election Commission of India.	Appointment of some Officers.
<p>एस० ओ० 4302, दिनांक भारत निर्वाचन आयोग भारत निर्वाचन आयोग द्वारा कुछ अधिकार नियुक्त करना ।</p> <p>30 नवम्बर 1968</p>			
455.	S.O. 4303, dated 30th November, 1968.	Election Commission of India.	Corrections made in the Order issued by the Election Commission of India.
456.	S.O. 4304, dated 2nd December, 1968.	Ministry of Finance.	Authorisation of persons as specified in the table.
457.	S.O. 4305, dated the 3rd December, 1968.	Ministry of Information & Broadcasting.	Approval of the films specified therein.
458.	S.O. 4306, dated the 3rd Dec., 1968.	Election Commission of India.	Corrections made in the Order issued by the Election Commission of India.
459.	S.O. 4379 dated the 3rd Dec., 1968.	Ministry of Industrial Development and Company Affairs.	An Order regarding the management of the India Electric Works, Ltd., Calcutta.

Issue No.	No. and Date	Issued by	Subject
460.	S.O. 4380, dated the 4th Dec., 1968.	Ministry of Food, Agriculture Community Development & Cooperation.	Addition of a word in the S.O. 3622 of 14th October, 1968.

ऊपर लिखे असाधारण राजपत्रों की प्रतियां प्रकाशन प्रबन्धक सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes

भाग II—खण्ड 3—उपखण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़ कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION OF INDIA

ORDER

New Delhi, the 5th December 1968

S.O. 4470.—Whereas the Election Commission is satisfied that Shri Surendra Pande of Village & P.O. Nawanagar, District Shahabad (Bihar) a contesting candidate for election to the House of the People from Buxar constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after the notice has not given any reason or explanation for the failure;

Now, therefore, in pursuance, of section 10A of the said Act, the Election Commission hereby declared the said Shri Surendra Pande to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-HP/37/67(50).]

By Order,

A. N. SEN, Secy.

CABINET SECRETARIAT

(Department of Statistics)

New Delhi, the 6th December 1968

S.O. 4471.—Whereas in the notification of the Government of India in the Cabinet Secretariat No. S.O. 462, dated the 18th February, 1960 thereafter referred to as the

said notification), the Central Government appointed the Chief Director, National Sample Survey, to be the statistics authority under section 4 of the Collection of Statistics Act, 1953 (32 of 1953), for the purpose of collecting statistics relating to the matters referred to in the said notification;

And, whereas, Shri S. P. Pande, Chief Director, National Sample Survey, relinquished charge of his post on the resignation of the 3rd September, 1968, and Shri Jagdish Prasad, Deputy Director, National Sample Survey, is holding additional charge of the current duties of the post of Chief Director, National Sample Survey;

Now, therefore, in exercise of the powers conferred by section 4 of the Collection of Statistics Act, 1953 (32 of 1953), the Central Government hereby appoints Shri Jagdish Prasad, Deputy Director, National Sample Survey, to be the statistics authority for the purpose of collecting statistics relating to the matters referred to in the said notification and makes the following amendment in the said notification, namely:—

In the said notification, for the words “Chief Director” the words “Deputy Director” shall be substituted.

[No. 16/9/68-Tech.]

P. P. CAPRIHAN, Dy. Secy.

मंत्रिमंडल सचिवालय

(सांख्यिकी विभाग)

नई दिल्ली, 6 दिसम्बर, 1968

एस० ओ० 4472.—भारत सरकार, मंत्रिमंडल सचिवालय की एस० ओ० 462 दिनांक 18 फरवरी, 1960 (जिसे इस के आगे उक्त अधिसूचना निर्दिष्ट किया गया है) के संदर्भ में केन्द्रीय सरकार मुख्य निदेशक, राष्ट्रीय नमूना सर्वेक्षण को आंकड़ा संग्रह अधिनियम 1953 (1953 के 32) की धारा 4 के अन्तर्गत उक्त अधिसूचना से सम्बन्धित मामलों के बारे में आंकड़े एकत्रित करने के उद्देश्य से आंकड़ा प्राधिकारी नियुक्त करती है।

और राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक श्री एस० पी० पांडे ने 3 सितम्बर, 1968 के अपराह्न से अपने पद का कार्यभार छोड़ दिया और राष्ट्रीय नमूना सर्वेक्षण के उप-निदेशक श्री जगदीश प्रसाद राष्ट्रीय नमूना सर्वेक्षण के मुख्य निदेशक के वर्तमान कार्यों का अतिरिक्त कार्यभार संभाल रहे हैं।

इसलिये अब आंकड़ा संग्रह अधिनियम 1953 (1953 के 32) की धारा 4 द्वारा प्रबन्ध शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार राष्ट्रीय नमूना सर्वेक्षण के उप-निदेशक श्री जगदीश प्रसाद को उक्त अधिनियम में निर्धारित मामलों के सम्बन्ध में आंकड़े एकत्र करने के उद्देश्य से एतद्वारा आंकड़ा प्राधिकारी नियुक्त करती है और उक्त अधिसूचना में निम्नलिखित संशोधन करती है: अर्थात्:

उक्त अधिसूचना में प्रयुक्त “मुख्य निदेशक” शब्दों के स्थान पर “उप निदेशक” शब्द रखे जायेंगे।

(संख्या 16/9/68 तकनीकी)

पी० पी० कैप्रिहान,

उप सचिव।

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 5th December 1968

S.O. 4473.—In pursuance of clause (c) of sub-section (1) of Section 21 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Dr. B. N. Sahu, Dean of the Faculty of Agriculture, Utkal Krushi Mahavidyalaya, Bhubaneswar (Orissa) to be a member of the Calcutta Local Board of the State Bank of India.

[No. F.8/93/67-SB.]

New Delhi, the 11th December 1968

S.O. 4474.—Statement of the Affairs of the Reserve Bank of India, as on the 6th December 1968

BANKING DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Capital paid-up	5,00,00,000	Notes	15,18,32,000
Reserve Fund	80,00,00,000	Rupee Coin	4,47,000
National Agricultural Credit (Long-Term Operations) Fund	143,00,00,000	Small Coin	4,61,000
		Bills purchased and Discounted :—	..
National Agricultural Credit (Stabilisation) Fund	33,00,00,000	(a) Internal
		(b) External
National Industrial Credit (Long-Term Operations) Fund	55,00,00,000	(c) Government Treasury Bills	196,68,20,000
		Balances held Abroad*	96,95,18,000
		Investments**	226,33,72,000
Deposits :—		Loans and Advances to :—	
(a) Government		(i) Central Government
(i) Central Government	57,49,96,000	(ii) State Governments@	24,12,80,000

(*) State Governments	10,46,54,000	Loans and Advances to :—	
(b) Banks		(i) Scheduled Commercial Banks†	57,41,19,000
(i) Scheduled Commercial Banks	141,47,91,000	(ii) State Co-operative Banks††	234,47,89,000
(ii) Scheduled State Co-operative Banks	6,83,68,000	(iii) Others	4,00,02,000
(iii) Non-Scheduled State Co-operative Banks	80,58,000	Loans, Advances and Investments from National Agricultural Credit (Long-Term Operations) Fund	
(iv) Other Banks	12,47,000	(a) Loans and Advances to :—	
(c) Others	339,54,16,000	(i) State Governments	31,55,04,000
Bills Payable	31,60,49,000	(ii) State Co-operative Banks	14,65,92,000
Other Liabilities	55,07,44,000	(iii) Central Land Mortgage Banks
		(b) Investment in Central Land Mortgage Bank Debentures	8,53,61,000
		Loans & Advances from National Agricultural Credit (Stabilisation) Fund	
		Loans and Advances to State Co-operative Banks	5,30,43,000
		Loans Advances and Investments from National Industrial Credit (Long-Term Operations) Fund	
		(a) Loans and Advances to the Development Bank	6,26,71,000
		(b) Investment in bonds/debentures issued by the Development Bank
		Other Assets	37,85,12,000
Rupees	959,43,23,000	Rupees	959,43,23,000

*Includes Cash, Fixed Deposits and Short-term Securities.

** Excluding Investments from the National Agricultural Credit (Long-Term Operations) Fund and the National Industrial Credit (Long-Term Operations) Fund.

@Excluding Loans and Advances from the National Agricultural Credit (Long-Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. 20,89,48,000 advanced to scheduled commercial banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long-Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 11th day of December, 1968.

An Account pursuant to the Reserve Bank of India Act, 1934 for the week ended the 6th day of December 1968
ISSUE DEPARTMENT

LIABILITIES		ASSETS	
	Rs.		Rs.
Notes held in the Banking Department .	15,18,32,000	Gold Coin and Bullion :—	
		(a) Held in India	115,89,25,000
		(b) Held outside India	226,42,00,000
		Foreign Securities	
Notes in circulation	3232,13,67,000	TOTAL	342,31,25,000]
		Rupees Coin	81,90,57,000
Total Notes issued	3247,31,99,000	Government of India Rupee Securities .	28 23,10,17,000
		Internal Bills of Exchange and other Commercial Paper	
Total Liabilities	3247,31,99,000	Total Assets	3247,31,99,000

L. K. JHA, Governor.

Dated the 11th day of December, 1968.

[No. F. 3(3)-BC/68.]
V. SWAMINATHAN, Under Secy.

(Department of Economic Affairs)

CORRIGENDUM

New Delhi, the 9th December 1968

S.O. 4475.—In the notification of the Reserve Bank of India (Central Office), Bombay published as S.O. 3305 dated the 20th August, 1968, at pages 4315—4316, in Part II—Section 3—sub-section (ii) of the Gazette of India, dated the 21st September, 1968,—

- (i) at page 4315, in line 41, for 'makes' read 'make'; and
- (ii) at page 4316, in line 38, for 'or' read 'of'.

[No. F. 25(7)-NS/67.]

V. S. RAJAGOPALAN, Under Secy.

OFFICE OF THE DEPUTY COLLECTOR, CUSTOMS AND CENTRAL EXCISE,
AMRITSAR

CENTRAL EXCISE

Amritsar, the 16th October 1968

S.O. 4476.—In exercise of the powers conferred upon me under Rule 15 and 16 of the Central Excise Rules, 1944 and in supersession of the Notification issued under this office C. No. V(4)DC/15/1CE/64 dated the 27th December, 1966, I hereby notify that no declaration will be necessary under the said rules in respect of un-manufactured tobacco grown in the areas not exceeding the limits specified in column 8 of the sub-joined schedule and cured in quantities not exceeding the limits indicated in column 9 of the said schedule in the whole of the revenue jurisdiction set out in column 7 thereof falling within the jurisdiction of the respective revenue tehsils mentioned in column 6 of the Central Excise Division Faridabad.

ANNEXURE TO THE NOTIFICATION TO BE ISSUED UNDER RULE 15 & 16 IN RESPECT OF FARIDABAD
DIVISION

Sl. No.	Name of Division	Name of Circle	Name of Range	Name of Revenue District	Name of Revenue Tehsil	Revenue Villages exempted Under rule 15 and 16.	Mac; size of average of tobacco cultivation which grower may undertake without a declaration u/r 15 of C.E. Rules, 1966 in area specified in column 7	Qty: limits of tobacco which tob. curer may cure without a declaration u/r 16 <i>ibid</i> within the jurisdiction of areas specified in col.7
1	2	3	4	5	6	7	8	9
1.	Faridabad	Rohtak	Sonipat	Rohtak	Sonipat	All Villages except:— Mohana, Sonapat, Bajana Khurd, Ganau, Gummar, Chulkana & Gujarkher.	12 Ares.	60Kgs.
			Rohtak	Do.	Rohtak	All villages except Hassatigarh.	"	"
			Sarsa Hansi	Hissar Do.	Sirsa & Tetehabad Hissar	All Villages. All villages except Majra, Narnond, Kagsar, Moth-Karnail, Moth Rangran and Bhatol.	" "	" "
			Hissar	Do.	Do.	All villages except Alipur, Kharar and Jeora.	"	"
			Bhiwani	Do.	Bhiwani	All villages except Rewari, Gola Garh, Bisul Was, Baruwas and Chang.	"	"
			Narwana Jind	Jind Do.	Narwana Jind	All villages. All villages except Intal Kalan, Bishanpura, Ram Rai, Safidon, Kishan Pura, Sahapur, Ghimana, Kandila, Singhancand, Pokhar Kheir.	" "	" "
			Gohana	Rohtak	Gohana	All villages except Gohana.	"	"

Faridabad	Yamuna Nagar	Jagadhari	Ambala	Jagadhari	All villages.	12 Ares.	60 Kgs.
		Shahabad Kaithal	Karnal Do.	Thanasar Kaithal	All villages.	"	"
					All villages, except Kai- thal.	"	"
		Karnal	Do.	Karnal	All villages except Karnal and Gharaunda.	"	"
		Panipat	Do.	Panipat	All villages except Pani- pat.	"	"
Faridabad	Palwal	Gurgaon	Gurgaon	Palwal	All villages.	"	"
	Bulbgarh	Do.	Do.	Bulbgarh	All villages.	"	"
Gurgaon	Gurgaon	Do.	Do.	Gurgaon	All villages except Man- esar, Islampur, Bodha, Sikanderpur, Nakrola, Kherki, Doula, Seehee, Sampka, Jhatoula, Jarola, Jhund Sarai, Faj Nagar, Fazil Pur, Jouri Kalan, Jouri Khurd, Naharpur, Narangpur, Kankrola, Gurgaon Cantt. Gurgaon village, Jarao, Jamalpur and Sultanpur.	"	"
		Sohana	Do.	Do.	All villages except Sirmat- hla, Shekopur, Bilaka, Sohna, Rai Sina, Bhondsi, Kaderpur and Kherla.	"	"
		Nuh	Do.	Nuh and Ferozepur- Jhirka.	All villages except Alloka, Gharot, Mandori and Gan- goli.	"	"
					Bawala and Bhimsika.	"	"
		Rewari	Do.	Rewari	All villages except Khaiera Bharoli, Rampur & Cho- llar.	"	"
		Narnaul	Mohindergarh	Mohindergarh	All villages except Niamat- pur, Bhothry, Thannu- was, Gharui, Khemi Was, Masmata & Kherara.	"	"

1	2	3	4	5	6	7	8	9
		Charkhi Dadri,	Mohinder-garh	Dadri	All villages except Jhoji Kalan, Rawaldi, Harodi, Kankroli Hati, Mehdha, Abru Kalan, Neemli, Atela Khurd, Bilwal, Bazal Une, Mehrana, Mandi, Haria and Budla.		12 Ares.	60 Kgs.
	Jhajjar		Rohtak	Jhajjar	All villages except Moonisa, Bhopani, Kherikhasdar, Mubarak pur, Nogaon, Surati, Chhar, Kuroda, Jharli, Badli and Dadri.		"	"

[No. C V(4)DC/30/8CE/68/Pt. II/28043.]

S.O. 4477.—In exercise of the powers conferred upon me under Rule 15 and 16 of the Central Excise Rules, 1944 and in supersession of the Notification issued under this office C. No. V(4)DC/15/1CE/64 dated 25th June, 1967, I hereby notify that no declaration will be necessary under the said Rules in respect of un-manufactured tobacco grown in the areas not exceeding the limits specified in column 8 of the sub-joined schedule and cured in quantities not exceeding the limits indicated in column 9 of the said schedule in the whole of the revenue jurisdiction set out in column 7 thereof falling within the jurisdiction of the respective revenue tehsils mentioned in column 6 of the Central Excise Division Amritsar.

Annexure to the notification to be issued under Rule 15 & 16 in respect of Amritsar Division

Sl. No.	Name of Division	Name of Circle	Name of Range	Name of Revenue District	Name of Revenue Tehsil	Revenue villages exempted under Rules 15 and 16	Max. size of average of tobacco cultivation which grower may undertake without a declaration U/R 15 of C.E. Rules 1944 in area specified in column 7	Qty. limits of tobacco which tob. curer may cure without a declaration U/R 16 <i>ibid</i> with-in the jurisdiction of areas specified in column 7
1	2	3	4	5	6	7	8	9
1.	Amritsar	Gurdaspur	Gurdaspur	Gurdaspur of Punjab	Gurdaspur	All villages except Talabpur, Bhopar, Bullagan, Avenkha and Simbli.	6 Ares	60 Kgs.
					Batala	All villages except Batala, Qadian & Shahpur Jajan.	"	"
					Pathankot	All villages except Rattan-garh & Sajanpur.	"	"
				Chamba of H.P.	Whole District	All villages.	10 Ares	"
2.	Do.	Do.	Palampur	Kangra	Do.	All villages.	"	"
				Mandi	Do.	All villages.	"	"
				Kulu	Do.	All villages.	"	"
				Lahaul	Do.	All villages.	"	"
				Spiti	Do.	All villages.	"	"
3.	Do.	Srinagar	Srinagar	Anantnag	Anantnag.	All villages except Rain-chowgund.	5 Ares	"
					Pulwama	All villages except Drang-labal, Nambalbal, Kadalbal and Chatlam & Cheeru.	"	"

					Kulgam	All villages except Shopian and Nadigam.	"	"
				Baramula	Baramula	All villages except Jambaz-pura, Punchitter & Niner.	"	"
					Sopore	All villages.	"	"
					Handwara	All villages.	"	"
					Uri	All villages.	"	"
				Srinagar	Srinagar	All villages except areas within municipal-limits of Srinagar including Soura, Shaltang & Bala-hama.	"	"
					Badgam	All villages except Quazi-bagh, Chador, Nagam & Vavusa.	"	"
					Sonewari	All villages.	"	"
4.	Do.	Jammu Sub-Circle	Jammu	Jammu	Jammu	All villages except Ponichak, Daichak-Gole, Sultan pur, Rattanpur, Damana, Machhlian, Kalyanpur and Paryal.	6 Arcs	"
				Udhampur	Reasi	All villages except Garat & Kund Khanyari.	"	"
				Doda	Kishtwar	All villages except Galigarh.	"	"
					Doda	All villages except Tarungal, Jathi, Ghat Arnora, Bhasi & Shangru.	"	"
					Badarwah	All villages except Panjgarain, Dugga and Bhala.	"	"
				Jammu	R.S. Pura	All villages except Beaspur, Gazia, Chohala, Kotli Main Tateh, Slehar, Chak Harni, Makhanpur, Pindardar, Laswara, Deoli, Dubhar I, II, III, Pandorian, Brahman, Bishna, Chorli, Chumbian Jattan, Banachak and Arnia.	"	"

1	2	3	4	5	6	7	8	9
					Samba	All villages except Kallah, Swankha.	6 Ares	60 Kgs.
			Kathua		Kathua	All villages except Pajwal, Khukial, Varpal, Vedala & Muthi Rakhwalin.	"	"
					Hiranagar	All villages except Madhine, Rajpura and Sagad.	"	"
					Basohli & Billaوار	All villages except Barora, Dongehra, and Dhod.	"	"
5.	Amritsar	M.O.D. Amritsar	Gold Range	Amritsar	Amritsar } Ajnala } Patti } Tarn Taran }	All villages except Chanda Devi, Kathunangal, Kar Singh Wala, Fatehpur, Buullarwal, Muzzafarpur, Avan Lakha Singh and Chameiari.	5 Ares	"

[No. C. V(4)DC/30/8CE/68/Pt. I/23077.]

Amritsar, the 20th November 1968

S.O. 4478.—In exercise of the powers conferred upon me under Rules 15 and 16 of the Central Excise Rules, 1944 and in supersession of the Notification issued under this office C. No. V(4)/22/5CE/64 dated the 22nd April, 1966, I hereby notify that no declaration will be necessary under the said Rules in respect of un-manufactured joined schedule and cured in quantities not exceeding the limit indicated in column 9 of the said schedule in the whole of the revenue jurisdiction set out in column 7 thereof falling within the jurisdiction of the respective revenue tehsils mentioned in column 6 of the Central Excise Division, Chandigarh.

Annexure to the Notification issued u/r 15 & 16 of G. E. Rules, 1944, in respect of Chandigarh Division.

Sr. No.	Name of Division	Name of Circle	Name of Range	Name of Revenue District	Name of Tehsil	Revenue villages exempted under rules 15 & 16	Maximum size of average of Tobacco cultivations which growers may undertake without declaration under Rule 15	Quantity limit of Tobacco of which a Tobacco curer may cure without declaration under rule 16 <i>ibid</i> within the jurisdiction of area specified in col. 7
1	2	3	4	5	6	7	8	9
1	Chandigarh	Ludhiana	Moga	Ferozepur	Moga & Zira	Laley, Moga & Zira	12 Ares	60 Kgs.
2	Do.	„	Abohar	Do.	Fazilka	Whole of Fazilka Tehsil already exempted under rules 15 & 16.	7 „	60 „
3	Do.	„	Ludhiana II	Ludhiana	Samrala	Kachhar, Machhiwara	12 „	60 „
4	Do.	„	Ludhiana II Ferozepur Sector.	Ferozepur	Ferozepur	Whole of Ferozepur S.O.R.	12 „	60 „
5	Do.	Chandigarh M.O.D.	Chandigarh Nahan Sector	Sunam (HP)	Paonta Renuka Saraban Nahan	Whole of Sunam Distt. (HP)	12 „	60 „
6	Do.	Do.	Patiala	Patiala	Rajpura S.O.R.	Chhart, Paragpur, Batheri Jawaharpur, Hamdesra, Jola-Khurd, Jaula Kalan, Baramana, Kherra-Gajju Mandhwal, Bakarpur, Sintalegarh, Nagla, Dhabli Khurd, Karampur Bhadoli, Dahur, Saidpur, Ullana, Dhan-ksu, Ramgarh, Jastana Khurd, Singpura.	12 „	60 „

7	Do.	Do.	Dhuri Sector	Do.	Patiala	Saleemgarh, Moonk.	12	60
8	Do.	Do.	Patiala Sector 2	Do.	Do.	Samuna, Gullar, Khan, Dugal, Gulzarpur, Dudhan, Alampur, Bulor, Mehor, Pipal Kheri, Sekhupura, Tajan, Budhmore, Galaha, Kheri, Dandra-wala, Kherer.	12	60
9	Do.	Do.	Ambala S.O.R. Naraingarh	Ambala	Naraingarh	Entire Naraingarh Tehsil is already notified under Rules 15 and 16.	12	60
10	Do.	Do.	Chandigarh	Do.	Kalka	Whole of Kalka Teh. of Harayana State.	12	60
11	Do.	Do.	Do.	Chandigarh Union Territory	Chandigarh Union Territory	Whole of Union Territory Chand garh except Village Maloya.	12	60
12	Do.	Do.	Do.	Ropar	Kharar	Whole of Kharar Tehsil except Village Bhewkan-pur.	12	60
13	Do.	Do.	Do.	„	Ropar	Whole of Ropar Tehsil except villages Khizara-bad and Lubangarh.	12	60
14	Do.	Do.	Ambala	Ambala	Ambala	Entire Ambala Tehsil of Ambala Distt.	12	60
15	Do.	Jullundur	Jullundur	Jullundur	Jullundur	All villages	6	60
16	Do.	Do.	Do.	Kapurthala	Nakodar Kapurthala Sultanpur Lodhi.	Do.	6	60
17	Do.	Do.	Phagwara	Do.	Phagwara	Do.	6	60
18	Do.	Do.	Hoshiarpur	Hoshiarpur	Nawanshar, Phillour	Do.	6	60
19	Do.	Do.	Do.	Ropar	Hoshiarpur Dasua, Garhshankar	Do.	8	60
20	Do.	Do.	Do.	Kangara	Anandpursahib Una	Do. except Rurkimugilan	10	60
						All villages	10	60

[No. C. V(4)DC/30/8CE/68/Pt. III/24960.]

N. N. ROY CHOUDHURY, Dy. Collector.

CENTRAL EXCISE COLLECTORATE, BARODA**CENTRAL EXCISE***Baroda, the 5th September 1968*

S.O. 4479.—In exercise of the powers conferred upon me under Rule 3 of the Central Excise Rules, 1944, I hereby authorise the Officers of and above the rank of "Superintendent" in the Baroda Central Excise Collectorate to exercise the powers of the Collector under sub-rule (4) of Rule 56-A of the Central Excise Rules, 1944.

[No. 13/68.]

L. M. KAUL, Collector.

CENTRAL EXCISE COLLECTORATE, KANPUR**CENTRAL EXCISE***Kanpur, the 11th November 1968*

S.O. 4480.—In exercise of the powers conferred on me under proviso to Rules 15 and 16 of Central Excise Rules, 1944, I hereby make the following amendment to the Schedule of this office notification No. 5/68-CE dated 24th August, 1968:—

After Serial No. 19, add the following:—

Sl. No.	Name of the Distt.	Exempted Area in areas	Exempted qty. in Kgs.
19-A	Entire Tehsil Saharanpur of Distt. Saharanpur.	7	60

[No. 7-CE/68.]

V. PARTHASARATHY, Collector.

COLLECTORATE OF CUSTOMS AND GENERAL EXCISE, COCHIN**CENTRAL EXCISE***Cochin, the 30th November 1968*

S. O. 4481.—In exercise of the powers conferred on me by rule 173-C(1) of the Central Excise Rules, 1944, I hereby prescribe forms of price lists, which shall be filed in quadruplicate by every assessee who produces, manufactures or warehouses excisable goods to which the provisions of Chapter VII-A of the Central Excise Rules, 1944 apply and which are chargeable with duty at a rate depending on the value of the goods, with the Superintendent of Central Excise having jurisdiction over his factory or warehouse well in advance before such goods are removed for, or put to, home use, for approval by the said officer.

If in the list approved by the proper officer, there is any alteration or modification in the prices or changes in the mode of sale from the stage of clearance from the factory to the wholesale dealers/consumers, he shall file a fresh list in the prescribed form in quadruplicate or communicate an amendment to the list already filed and approved by the proper officer well before giving effect to such alteration, modification or change in the mode of sale.

FORMS OF PRICE LISTS

FORM NO. I (GENERAL)

Price list of M/s.....holder of L 4 No.....in respect of.....
(mention here name of excisable goods) Range/Circle/Division.

Sl. No.	Full description of excisable goods	Unit of sale	Quantity or No. packed in such units
1	2	3	4

Price charged by the manufacturer to the whole sale dealer or consumers, if there is a direct sale.

Price per Unit	Discount allowed, if any, and conditions.	Details of taxes including Central Excise duty, if any, included in the price.
5	6	7

Price charged by the manufacturer to the sole distributors, sole selling agents authorised stockists.

Name of distributor/ sole selling agent/ authorised stockists.	Price charged per unit	Discount allowed, if any, and conditions.	Details of taxes including Cen- tral Excise Duty if any, included in the price.
8	9	10	11

Price charged by the Distributors, sole selling agents or authorised stockists to the whole-sale dealers or to the consumers.

Price charged per unit. Discount allowed if any, and conditions. Details of taxes including C. E. duty, if any, included in the price.

12	13	14
----	----	----

Assessable Valuc.	Full details of the channel of marketing the goods from the stage of clearance of goods from the factory to the wholesale dealers or consumers and the conditions of agreement, if any.	Remarks.
15	16	17

15	16	17
----	----	----

I/We certify that the information given above is true and correct in all respects.

Signature of the manufacturer or his authorised agents.

NOTE: Separate price list should be filed for each ex-cisable commodity manufactured in the factory and assessable to duty *ad valorem*. If the goods are assessed to duty under different sub-items of the main Tariff item, separate sections for goods assessable to duty under different sub-items should be opened in the price list.

In respect of P or P medicines and Wireless Receiving Sets, Price lists should be filed in form II and III respectively.

FORM No. II

Form of Price List to be filed by the Manufacturers of P or P Medicines

Name of the Factory
Licence No.

Range
Circle
Division

Sl. No.	Description of goods	Tariff item including sub-item.	Unit for which value is declared	Ad-hoc(*) Discount of 10 % or 25% as the case may be	Retail price as declared in the drugs prices display of control order/wholesale price as indicated in the drugs P.D. control order	Whether prices declared includes excise duty or not	The price after deduct on of element of excise duty	Assessable value	Remarks
1	2	3	4	5	6	7	8	9	10

I. Certified that the particulars furnished in the price list are true and correct to the best of our knowledge and are supported by the wholesale or retail prices under Drugs Prices Display or Control Order, 1966.

Certified that we have opted for this mode of assessment in respect of all medicines cleared by us either in relation to wholesale price or in relation to the retail prices.

Certified that we would not vary the option already exercised during the course of this financial year.

*Strike out whichever is not applicable.

Signature of the licensee.

Certified that I have verified the above price list with the invoices and books of accounts etc. and also with the relative retail wholesale price lists published under the Drugs Price Display Order and found the price declared to in order (If there are be any discrepancies the discrepancies should be listed below).

Signature of the Verifying Officer
Name & designation.

FORM No. III

*Form of Price Lists to be filed by Manufacturers of Wireless Receiving Sets*Name of the Factory
Licence No.Range
Circle
Division

Sl. No.	Description of goods such as model No., make, etc.	Tariff item including sub-item	Unit	Price at the point of sale to the consumer	Rate of duty	Remarks
1	2	3	4	5	6	7

Certified that the prices furnished in the price list are true and correct to the best of our knowledge.

Certified that the above prices are the prices at the point of sale to the consumer.

Certified that I have elected to avail of the exemption referred to under Notification 41/64 as amended and I agree to abide by the conditions prescribed therein.

Signature of the licensee.

Certified that I have verified the above price list with the invoices, books and accounts etc. and found the price declared to be in order. If there are any discrepancies, the discrepancies should be listed below:

Signature of the Verifying Officer
Name and Designation.

The price declared above are approved *in toto* or subject to the modification noted below.

N.B. If the party feels aggrieved by the decision of the Superintendent in modifying the price list, he may prefer an appeal before the Collector of Customs & Central Excise, Cochin under section 35 of Central Excise Act.

(Issued from file C. No. IV/16/166/68 Cx I.)

Attested

P. A. CASTELINO,
Assistant Collector (Tech.)

[No -6/68]
N. KOHLI,
Collector.

OFFICE OF THE COLLECTOR OF CENTRAL EXCISE M.P. & VIDARBHA

CENTRAL EXCISE

Nagpur, the 4th December 1968

S.O. 4482.—In exercise of the powers conferred under Rules 15 & 16 of the Central Excise Rules, 1944, I hereby notify that the following amendment shall be made in this Collectorate Notification No. 8/68 (Central Excise) dated the 28th October, 1968.

	<i>For</i>	<i>Read</i>
(a) Against Sr. No. 2 of the Notification (i. e. Narsinghpur Distt.)	Karayabhula Rampendri Got Thire Hirapur Amda	Karya Kheda Rani Pndri Gotegaon Thire Hirapur Amoda
(b) Against Sr. No. 15 of the Notification (i. e. Bhind Distt.)	Barwa Mehdoligormi	Satwa Mehdoli & Gormi

(c) All the villages shown in column 3 against Sr. No. 36 (i.e. Ujjain Distt.) shall be deleted.

This amendment shall be deemed to have come into effect from 28th October, 1968, i.e. the date of the original Notification.

[No. 10/1968.]

VIPIN MANEKLAL, Collector.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS

CENTRAL EXCISE

Madras, the 5th December 1968

S.O. 4483.—The Notification S.O. 2055 dated 23rd May, 1968 issued by this Collectorate and published on page 2919 of the Gazette of India Part II Section 3, sub-section (ii) dated 8th June, 1968 is hereby rescinded.

[C. No. IV/16/175/68-SRPC.]

A. R. SHANMUGAM, Collector.

MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

ERRATUM

New Delhi, the 5th December 1968

S.O. 4484.—In the notification of the Government of India in the Ministry of Steel, Mines and Metals (Department of Mines & Metals) No. S.O. 2835, dated the 8th August, 1968, published at pages 3830-3831 of the Gazette of India, Part II, Section 3, Sub-section (ii) at page 3831, in line 14, for "Sub-Clock-II", read "Sub-Block III."

[No. C2-20(12)/64.]

M. S. K. RAMASWAMI, Dy. Secy.

MINISTRY OF FOOD, AGRICULTURE, COMMUNITY DEVELOPMENT AND COOPERATION

(Department of Food)

New Delhi, the 7th December 1968

S.O. 4485.—In accordance with clause (a) of Rule 3 of the Rules published with the late Department of Revenue and Agriculture notification No. 1616-F, dated the 25th July, 1900, read with Rule 4 thereof, as amended from time to time, the Government of India

are pleased to appoint Shri K. N. Zutshi, Secretary Revenue Department, Gujarat as permanent member on the Board of Management, Indian People's Famine Trust with immediate effect *vice* existing nomination of the Secretary Agriculture and Lands Department, Government of Gujarat.

[No. 3-1/68-SR.II.]

K. PRASAD, Dy. Secy.

(Department of Agriculture)

New Delhi, the 9th December 1968

S.O. 4486.—In exercise of the powers conferred by section 38 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960), the Central Government hereby makes the following rules further to amend the Prevention of Cruelty to Draught and Pack Animals Rules, 1965, the same having been previously published as required by sub-section (1) of the said section, namely :—

1. These rules may be called the Prevention of Cruelty to Draught and Pack Animals (Amendment) Rules, 1968.
2. In rule 2 of the Prevention of Draught and Pack Animals Rules, 1965 (hereinafter referred to as the said rules), for sub-rule (2), the following sub-rule shall be substituted, namely :—

“(2) For the purposes of clauses (a), (b) and (c) of sub-rule (1), the weight of an animal shall be determined by applying any of the following formulae, namely :—

$$\frac{\text{Length} \times \text{Girth}^2 \text{ in cms.}}{10838} = \text{Weight of animal in kgs.}$$

or,

$$\frac{9 (\text{Length in cms.} \times \text{Girth in cms.}^2)}{1,00,000}$$

3. In rule 3 of the said rules,—

(i) in sub-rule (1), in the table,—

(a) in the entries relating to serial No. 1, in columns 2 and 3, for the existing entries, the following entries shall respectively be substituted, namely :—

2

3

“two wheeled vehicle—

(a) if fitted with ball bearings—1000 kilograms

(b) if fitted with pneumatic tyres—750 kilograms

(c) if not fitted with pneumatic tyres—500 kilograms.”;

(b) in the entries relating to serial No. 2, in columns 2 and 3, for the existing entries, the following entries shall respectively be substituted, namely :—

2

3

“two wheeled vehicle—

(a) if fitted with ball bearings—1400 kilograms

(b) if fitted with pneumatic tyres—1050 kilograms

(c) if not fitted with pneumatic tyres—700 kilograms.”;

(c) in the entries relating to serial No. 3, in columns 2 and 3, for the existing entries, the following entries shall respectively be substituted, namely :—

2

3

“(a) if fitted with ball bearings—1800 kilograms

(b) if fitted with pneumatic tyres—1350 kilograms

(c) if not fitted with pneumatic tyres—900 kilograms.”;

(ii) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) where the route by which a vehicle is to be drawn involves an ascent for not less than one kilometre and the gradient is more than three meters in a distance of thirty meters, the weight specified in column 3 of the said table shall, in each case, be read as being one-half of what is so specified.”

4. In rule 4 of the said rules, in the table, in the entries relating to serial No. 7, in column 2, for the entry “300 kilograms”, the entry “250 kilograms” shall be substituted.

[No. 34-2/67-L.D.III.]

SANTOKH SINGH, Under Secy.

MINISTRY OF HEALTH, FAMILY PLANNING & URBAN DEVELOPMENT

(Deptt. of Health and Urban Development)

New Delhi, the 21st December 1968

S.O. 4487.—In pursuance of clause (d) of section 5 of the Post-Graduate Institute of Medical Education and Research, Chandigarh, Act, 1966 (51 of 1966), the Central Government hereby nominates Shri R. S. Chitkara, Deputy Educational Adviser, Ministry of Education, to be a member of the Post-Graduate Institute of Medical Education and Research, Chandigarh, *vice* Shri P. N. Kirpal, resigned, and directs that the following amendment shall be made in the notification of the Government of India in the Ministry of Health and Family Planning (Department of Health) No. S.O. 1342 dated the 12th April, 1967, namely:—

In the said notification, for entry 2, the following entry shall be substituted, namely:—

“2. Shri R. S. Chitkara, Deputy Educational Adviser, Ministry of Education, New Delhi.”

[No. F.1-9/68-ME(PG).]

R. N. MADHOK, Jt. Secy.

स्वास्थ्य, परिवार नियोजन एवं नगर विकास मंत्रालय

(स्वास्थ्य एवं नगर विकास विभाग)

नई दिल्ली, 21 दिसम्बर 1968

एस० प्रो० 4488—स्नातकोत्तर चिकित्सा शिक्षा तथा अनुसंधान संस्थान, चण्डीगढ़ अधिनियम, 1966 (1966 के 51) की धारा 5 के खण्ड (घ) का पालन करते हुए केन्द्रीय सरकार एतद्वारा श्री पी० एन० कृपाल के स्थान पर जिन्होंने त्याग पत्र दे दिया है, शिक्षा मंत्रालय में उप-शिक्षा सलाहकार श्री आर० एस० चित्कारा को स्नातकोत्तर चिकित्सा शिक्षा तथा अनुसंधान संस्थान, चण्डीगढ़ में सदस्य के रूप में मनोनीत करती है और निर्देश देती है कि भारत सरकार के स्वास्थ्य एवं परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिसूचना सं० एस० प्रो० 1342, दिनांक 12 अप्रैल, 1967 में प्रिण्टिफिकेट संशोधन किया जाये, नामतः

उक्त अधिसूचना की प्रविष्टि 2 के स्थान पर निम्नलिखित प्रविष्टि रखी जाए, नामतः

“2. श्री आर० एस० चित्कारा,
उप-शिक्षा सलाहकार,
शिक्षा मंत्रालय,
नई दिल्ली”

[स० 1-9/68-एम०ई० (पी०जी०)]

आर० एन० मधोक, संयुक्त सचिव ।

DEPARTMENT OF COMMUNICATIONS**(P. & T. Board)***New Delhi, the 5th December 1968*

S.O. 4489.—In pursuance of para (a) of Section III of Rule 434 of Indian Telegraph Rules, 1951, as introduced by S.O. No. 627 dated 8th March, 1960, the Director General, Posts and Telegraphs, hereby specifies the 1st January, 1969 as the date on which the Measured Rate System will be introduced in Anantpur Telephone Exchange, Hyderabad Telephone District.

[No. 5-53/68-PHB(8).]

D. R. BAHL, Asstt. Director General (PHB).

संचार विभाग**(डाक तार बोर्ड)**

नई दिल्ली 5 दिसम्बर 1968.

एस० ओ० 4490.—स्थायी आदेश क्रम संख्या 627, दिनांक 8 मार्च, 1960 द्वारा लागू किये गए 1951 के भारतीय तार नियमों के नियम 434 के खण्ड III के पैरा (क) के अनुसार डाक-तार महानिदेशक ने अनन्तपुर टेलीफोन केन्द्र में 1-1-69 से प्रमाणित दर प्रणाली लागू करने का निश्चय किया है।

[सं० 5-53/68-पी० एच० बी (8)]

डी० आर० बहल,

सहायक महानिदेशक (पी० एच० बी०)

CENTRAL ELECTRICITY AUTHORITY*New Delhi, the 7th December 1968*

S.O. 4491.—For the name 'Shri K. M. Kalgal' wherever occurring in this office notification of even number dated the 1st November, 1968 please read 'Shri R. M. Kalgal'.

[No. 21/2/67-Adm.I(PW).]

M. M. DHAWAN, Under Secy.
for Chairman C.E.A.**MINISTRY OF INFORMATION AND BROADCASTING****ORDERS***New Delhi, the 7th December 1968*

S.O. 4492.—In Pursuance of the directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

(1) Sub-Section (4) of Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952)

(2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act 1953 (Bombay Act XI of 1953)

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news & current events or a documentary film
1	2	3	4	5	6
1.	Maharashtra News No. 198.	303'00	Director of Publicity, Govt. of Maharashtra, Bombay.		Film dealing with news and current events (For release in Maharashtra Circuit only)

[F. No. 24/1/68-FP App. 1308]

S.O. 4493—In pursuance of the directions issued under the provisions of each of the enactments specified in the first Schedule annexed hereto, the Central Government after considering the recommendation of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the second Schedule annexed hereto in Hindi to be of the descriptions specified against it in column 6 of the said second Schedule.

THE FIRST SCHEDULE

Sub-Section (4) of Section 5 of the Uttar Pradesh Cinemas Regulation) Act, 1955 (Uttar Pradesh Act No. 3 of 1956)

THE SECOND SCHEDULE

Sl. No.	Title of the film	Length 35mm	Name of the Applicant	Name of the Producer	Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film.
1	2	3	4	5	6
1.	Mitti Ki Pukar	524'26 M	Shri Jairam Chaturvedi, Director of Information, Government of U.P. Lucknow.		Film intended for Educational purposes (For release in U. P. circuit).

[F. No. 24/1/68-FP App. 1309]
BANU RAM AGGARWAL,
Under Secy.

सूचना और प्रसारण मंत्रालय

आवेश

नई दिल्ली, 9 दिसम्बर, 1968

एस० ओ० 4494-—इसके साथ लगे प्रथम अनुसूची में निर्धारित प्रत्येक अधिनियम के उपबन्ध के अन्तर्गत जारी किये गये निदेशों के अनुसार, केन्द्रीय सरकार, फिल्म सलाहकार बोर्ड, बम्बई की सिफरिशों पर विचार करने के बाद, एतद्वारा इसके साथ लगे द्वितीय अनुसूची के कालम 2 में दी गई फिल्म की उसके गुजराती भाषा के रूपान्तर सहित, जिसका विवरण उसके सामने उक्त द्वितीय अनुसूची के कालम 6 में दिया हुआ है स्वीकृत करती है :—

प्रथम अनुसूची

- (1) चलचित्र अधिनियम, 1952 (1952 का 37वां केन्द्रीय अधिनियम) की धारा 12 की उपधारा (4) तथा धारा 16
- (2) बम्बई सिनेमा (विनियम) अधिनियम, 1953 (1953 का 11वां बम्बई अधिनियम) की धारा 5 की उपधारा (3) तथा धारा 9
- (3) सौराष्ट्र सिनेमा (विनियम) अधिनियम, 1953 (1953 का 17वां सौराष्ट्र अधिनियम) की धारा 5 की उपधारा (4) और धारा 9

द्वितीय अनुसूची

क्रम संख्या	फिल्म का नाम	फिल्म की लम्बाई 35 मि०मी०	आवेदक का नाम	निर्माता का नाम	क्या वैज्ञानिक फिल्म है या शिक्षा सम्बन्धी फिल्म है या समाचार और सामयिक घटनाओं की फिल्म है या डाकुमेंट्री फिल्म है
1	2	3	4	5	6
1	महीतिचित्र।	272.80मी	सूचना निदेशक, गुजरात सरकार, अहमदाबाद-15		समाचार और सामयिक घटनाओं से सम्बन्धित फिल्म (केवल गुजरात सर्किट में रिलीज करने के लिए)

[सं० 24/1/68-एफ० पी०-परिशिष्ट 1306

बानू राम अग्रवाल, अवर सचिव ।

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

(Works Division)

New Delhi, the 10th December 1968

S.O.4495.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 4 of the Rajghat Samadhi Act, 1951 (41 of 1951), the Central Government hereby nominates Shri Kartar Singh, Joint Secretary in the Ministry of Works, Housing and Supply (Department of Works and Housing) to be a member of the Rajghat Samadhi Committee *vice* Shri P. K. Sen, and makes the following further amendment in the notification of the Government of India in the late Ministry of Works, Housing and Supply No. 19/2/62-WI, dated the 22nd August, 1962, namely :—

In the said notification, for the existing entry against item 2, the following entry shall be substituted, namely :—

“Shri Kartar Singh, Joint Secretary, Ministry of Works, Housing and Supply”.

[No. 25012(3)/66-WILL.]

R. MEHTA, Dy. Secy.

MINISTRY OF COMMERCE

(Office of the Jt. Chief Controller of Imports and Exports)

(Central Licensing Area)

ORDERS

New Delhi, the 18th November 1968

S.O. 4496.—A licence No. 1608686/C/XX/24/D23-24/OI/ME dated 22nd November, 1967 of the value of Rs. 684 for import of Boring and facing heads or boring heads of different sizes with standard accessories was issued to M/s. National Machine Tool Industry, O/S Industrial Town, Jullundur City.

2. Thereafter, a show cause notice No. S-9/68/ENF/CLA/4118 dated 26th July, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that this licence had been granted through oversight in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. National Machine Tool Industry, Jullundur City have not sent any reply.

4. Having regard to what has been stated in the preceeding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (a) of the Imports (Control) Order, 1955 hereby cancel the licence No. 1608686/C/XX/24/D/23-24/OI/ME dated 22nd November, 1967 for Rs. 684 issued in favour of M/s. National Machine Tool Industry, O/S Industrial Town, Jullundur City.

[No. S-9/68/ENF/CLA/8173.]

New Delhi, the 5th December 1968

S.O. 4497.—Licences No. (1)P/SS/1608783/C dated 28th November, 1967 for Rs. 10,000/- Drugs & Medicines (2) P/SS/1608784/C dated 28th November, 1967 for Rs. 4437/- for Drugs & Medicines were issued to M/s. Swatantar Asian Chemicals (Pvt.) Ltd., Railway Road, Gurgaon subject to the condition that the goods imported against these shall be used only in the licence holder's factory and no portion thereof shall be sold to any other party or utilised or permitted to be used in any other manner.

2. Thereafter, a show cause notice No. S-17/68/ENF/CLA/6042 dated 16th September, 1968 was issued asking them to show cause within 15 days as to why the said licences in their favour should not be cancelled on the ground that the Central Government is satisfied that these licences will not serve the purpose for which these had been granted in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice, M/s. Swatantar Asian Chemicals (Pvt.) Ltd., Gurgaon have not sent any reply.

4. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licences in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9 sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licences No. (1) P/SS/1608783/C dated 28th November, 1967 (2) P/SS/1608784/C dated 28th November, 1967 issued in favour of M/s. Swatantar Asian Chemicals (Pvt.) Ltd., Railway Road, Gurgaon.

[No. S-17/68/ENF/CLA/9010.]

J. S. BEDI,

Jt. Chief Controller of Imports & Exports.

(Office of the Joint Chief Controller of Imports and Exports)

ORDER

New Delhi, the 3rd December 1968

S.O. 4498.—A licence No. P/SS/1628301/C/XX/26/C/C/26 dated 18th March, 1968 of the value of Rs. 8515 for import of Components of Valves Radio Receiver and Transistor radio receiver was issued to M/s. Pravin & Co., Kulharia House, Ashok Raj Path, Patna subject to the conditions as under :—

all items of goods imported under the licence shall be utilised in the licence holders' factory for the manufacture of the end products for which the licence is issued and no portion thereof shall be sold or otherwise transferred to any other party or utilised for a different end-product. The licensee shall maintain proper account of consumption and utilisation of the goods imported against the licence.

2. Thereafter, a show cause notice No. 274/62/E&L, dated 15th July, 1968 was issued asking them to show cause within 15 days as to why the said licence in their favour should not be cancelled on the ground that the unit had not used the imported materials in their factory for which the licences were issued in terms of Clause 9, sub-clause (cc).

3. In response to the aforesaid show cause notice M/s. Pravin & Co., Kulharia House, Ashok Raj Path, Patna had, by their letter dated 25th July, 1968 furnished a detailed explanation. In their said reply the firm contended that they had used the imported materials in their factory.

4. The undersigned has carefully examined the said representation and has come to the conclusion that the purpose for which the licence in question was issued would not be served.

5. Having regard to what has been stated in the preceding paragraph, the undersigned is satisfied that the licence in question should be cancelled or otherwise rendered ineffective. Therefore, the undersigned, in exercise of the powers vested in him under Clause 9, sub-clause (cc) of the Imports (Control) Order, 1955 hereby cancel the licence No. P/SS/1628301/C/XX/26/C/C/26 dated 18th March, 1968 for Rs. 8515 issued in favour of M/s. Pravin & Co., Kulharia House, Ashok Raj Path, Patna.

[No. 274/62/E&L.]

M. S. PURI,

Dy. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

(Baggage Licensing Section)

ORDER

New Delhi, the 9th December 1968

S.O. 4499.—Miss Kamlesh Nath was granted Custom Clearance Permit No. P/J/2363481/N/MN/27 dated 18th May, 1968 for Rs. 11,000 for import of her car. She

has applied for a duplicate copy of the Customs Clearance Permit on the ground that the original Customs Clearance Permit has not been received and is lost in transit. It is further stated that the original Customs Clearance Permit was registered with any Customs House was not utilized.

In support of this Miss Kamlesh Nath has filed an affidavit. I am satisfied that the original Customs Clearance Permit No. P/J/2363481 dated 18th May, 1968 has been lost or misplaced and direct that a duplicate Customs Clearance Permit should be issued to her. This original Customs Clearance Permit is cancelled.

[No. 2(A-5)/68-69/BLS/4770.]

P. C. NANDA,
Dy. Chief Controller,
for Chief Controller of Imports and Exports.

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 10th December 1968

S.O. 4500.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 2549, dated the 24th July, 1967, the Central Government hereby appoints Shri T. Sadasivaya as Regional Provident Fund Commissioner for the whole of the State of Kerala and the Mahe area of the Union territory of Pondicherry, to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri K. S. Sethi.

[No. 17(89)/65-PF.I(i).]

S.O. 4501.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3138 dated the 26th August, 1967 the Central Government hereby appoints Shri A. V. Vyas as the Regional Provident Fund Commissioner for the whole of the State of Gujarat to assist the Central Provident Fund Commissioner in the discharge of his duties *vice* Shri S. J. Shah.

[No. 17/5/67-PF-I(i).]

SO. 4502.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3139 dated the 26th August, 1967 the Central Government hereby appoints Shri A. V. Vyas to be an Inspector for the whole of the State of Gujarat for the purposes of the said Act and of any scheme framed thereunder, in relation to establishments belonging to, or under the control of the Central Government, or in relation to establishments connected with a railway company, a major port, a mine or an oil-field, or a controlled industry *vice* Shri S. J. Shah.

[No. 17/5/67-PF-I(ii).]

New Delhi, the 11th December 1968

S.O. 4503.—In pursuance of paragraph 4 of the Employees' Provident Funds Scheme 1952, and in supersession of the notification of the Government of India in the late Department of Social Security No. S.O. 3775 dated the 22nd September, 1955, the Central Government hereby sets up a Regional Committee for the State of Punjab, consisting of the following persons, namely:—

1. The Secretary to the Government of Punjab, } Chairman appointed by the
Labour and Employment Department, Chandigarh } Central Government

Members

2. The Dy. Secretary to the Government of Punjab, } Persons appointed by the Central
Finance Department, Chandigarh. } Government on the recom-
3. The Labour Commissioner, Government of Punjab, } mendation of the State Gov-
Chandigarh. } ernment.

- | | |
|--|--|
| 4. Shri H. S. Makhni, East India Carpet (Private) Limited, Ludhiana. | } Representatives of employers appointed by the Central Government in consultation with the Organisations of employers in the State. |
| 5. Shri Inderjit Singh, C/o Avon Cycle (Private) Limited, Ludhiana. | |
| 6. Shri Inder Paul Dhir, C/o Pearl Hosiery Mills, G.T. Road, Ludhiana. | |
| 7. Shri Om Parkash Mehta, General Secretary, Ludhiana Textile Mazdoor Union, Hata Sher Jang, Ludhiana. | } Representatives of employees appointed by the Central Government in consultation with the organisations of employees in the State. |
| 8. Com. Om Parkash, General Secretary, District Metal Mazdoor Union, G.T. Road, Jullundur. | |
| 9. Shri Mohan Singh, Vice President, Punjab Indian National Trade Union Congress, Jagatjit Sugar Mills, Mazdoor Union, Phagwara, Punjab. | |

[No. 12/7/I/62-Pf. II]

New Delhi, the 12th December 1968

S.O. 4504.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the Notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation, (Department of Labour and Employment) No. S.O. 2550, dated the 24th July, 1967, the Central Government hereby appoints Shri T. Sadasivaya to be an Inspector for the whole of the State of Kerala and the Mahe area of the Union Territory of Pondicherry for the purposes of the said Act and any scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field, or a controlled industry.

[No. 17(89)/65-PF-I(ii).]

DALJIT SINGH, Under Secy.

(Department of Labour and Employment)*New Delhi, the 10th December 1968*

S.O. 4505.—In pursuance of the provision to regulation 17 of the Metaliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2795 dated the 23rd September, 1963, namely :—

In the Table appended to the said notification, under the heading "FOREIGN" after serial No. 11 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

I	II
"12. Patrice Lumumba People's Friendship University MOSCOW	Diploma in Mining Engineering."

[No. 17/8/68-M.I.]

S.O. 4506.—In pursuance of clause (i) of sub-regulation (1) of regulation 24 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2796 dated the 23rd September, 1963, namely :—

In the Table appended to the said Notification, under the heading "FOREIGN" after serial No. 11 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

I	II
"12. Patrice Lumumba People's Friendship University, MOSCOW.	Diploma in Mining Engineering.'

[No. 17/ 8/68-M. I-]

S.O. 4507.—In pursuance of proviso (a) to sub-regulation (1) of regulation 16 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 2793 dated the 23rd September, 1963, namely :—

In the Table appended to the said notification after the heading "Portugal Republic" and the entries relating thereto, the following heading and entries shall be inserted, namely :—

"U.S.S.R.

I	II
I. Patrice Lumumba People's Friendship University, MOSCOW.	Diploma in Mining Engineering."

[No. 17/8/68-M. I.]

S.O. 4508.—In pursuance of clause (b) of the proviso to sub-regulation (1), and clause (b) of the proviso to sub-regulation (2) of regulation 18 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following amendment in the Notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1675, dated the 30th May, 1966, namely :—

In the Table appended to the said Notification, after the heading "Portugal Republic" and the entries relating thereto, the following heading and entries shall be inserted, namely :—

"U.S.S.R.

I	II
I. Patrice Lumumba People's Friendship University, MOSCOW.	Diploma in Mining Engineering."

[No. 17/8/68-M. I.]

New Delhi, the 11th December 1968

S.O. 4509.—In pursuance of sub-clause (ii) of clause (a) of sub-regulation (1) of regulation 23 of the Metalliferous Mines Regulations, 1961, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1455 dated the 17th May, 1963, namely :—

In the Table appended to the said Notification after the heading "PORTUGAL REPUBLIC" and the entries relating thereto, the following heading and entries shall be inserted, namely :—

"U.S.S.R.

I	II
I. Patrice Lumumba People's Friendship University, MOSCOW.	Diploma in Mining Engineering.'

[No. 17/8/68-M. I.]

J. D. TEWARI, Under Secy

(Department of Labour & Employment)

New Delhi, the 10th December 1968

S.O. 4510.—The following draft of a scheme further to amend the Bombay Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the

Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 31st December, 1968.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Scheme

1. This Scheme may be called the Bombay Dock Workers (Regulation of Employment) Amendment Scheme, 1968.
2. In clause 16 of the Bombay Dock Workers (Regulation of Employment) Scheme, 1956 (hereinafter referred to as the said Scheme), in sub-clause (2), (i) for items (g) and (h) the following items shall be substituted, namely :—
“(g) Stevedore Mazdoor.”
(ii) item (i) shall be re-numbered as item (h) thereto.
3. In clause 30 of the said Scheme, for the words “senior and junior stevedore workers” and “senior and junior workers respectively” wherever they occur, the words “stevedore mazdoors” shall be substituted.
4. In clause 31 of the said Scheme, for Explanation I, the following Explanation shall be substituted, namely :—
“Explanation I.—In Sub-clause (1), (2) and (3) of this clause a ‘day’ shall mean a day of 24 hours.”
5. In Schedule I of the said Scheme, for items (g) and (h) the following items shall be substituted, namely :—
“(g) Stevedore Mazdoor.”
(ii) item (i) shall be re-numbered as item (h) thereof.

[No. 51(11)/68/Fac.II.]

New Delhi, the 11th December 1968

S.O. 4511.—In exercise of the powers conferred by clause (4) of rule 3 of the Iron Ore Mines Labour Welfare Cess Rules, 1963, the Central Government hereby appoints Shri Zafar Saifullah, Chief Project Officer, Donimalai Iron Ore Deposits of the National Mineral Development Corporation Limited, to be a member to represent the interests of the iron ore mine owners of the State of Mysore in the Iron Ore Mines Labour Welfare Fund Advisory Committee for the State of Mysore, constituted by the Notification of the Government of India, in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), No. S.O. 4161 dated the 14th November, 1968, and makes the following amendment in the said Notification, namely :—

In the said Notification, in serial number 5, for the existing entry, the following entry shall be substituted, namely :—

“Shri Zafar Saifullah, Chief Project Officer, Donimalai Iron Ore Deposits, National Mineral Development Corporation Limited, Donimala.”

[F. No. 10/27/68-MIII.]

ORDERS

New Delhi, the 11th December 1968

S.O. 4512.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Commissioners for the Port of Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexure;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether having regard to its Circular No. 7354 dated 2nd June, 1958, the management of the Commissioners for the Port of Calcutta was justified in counting the seniority of Shri Ajit Kumar Ghosh, L.D.C. from the date of his transfer to Head Office from the Boat Registration Office on the 10th January, 1964? If not, to what relief is the workman entitled?

[No. 28/130/67-LR.III.]

New Delhi, the 12th December 1968

S.O. 4513.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs Santos Chandra Banerjee and Sons Private Limited and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

(a) Whether the action of the management of Messrs Santos Chandra Banerjee and Sons (Private) Limited, Stevedores and Ship-Chandlers, 7, Swallow Lane, Calcutta-1, in retrenching the following 8 (eight) workmen from the dates shown against them was legal and justified:—

(1) Shri Sadananda Dey, Supervisor	1-12-1967
(2) Shri Narayan Prosad Goswami, Supervisor	1-2-1968
(3) Shri Nishapati Bhattacharjee, Supervisor	1-2-1968
(4) Shri Manmatha Nath Dey, Clerk	1-12-1967
(5) Shri Kumaresh Ch. Bose, Clerk	1-2-1968
(6) Shri Prolahad Ch. Roy, Clerk	1-2-1968
(7) Shri Sankar Narayan Mondal, Clerk	1-2-1968
(8) Shri Radhavallav Chatterjee, Clerk	1-2-1968

(b) If not, to what relief are the workmen entitled?

[No. 28/83/68-LR.III.]

S.O. 4514.—Whereas on a joint application by the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust General Workers Union, Bombay, an industrial dispute was referred to the Industrial Tribunal, Bombay for adjudication by the Order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S. O. 1500, dated the 27th April, 1968 thereafter in this Order referred to as the said Order);

And whereas the said employers and the said workmen have agreed to include the demand of the Masters A Grade of the Dredging Flotilla of the Bombay Port Trust in respect of the same matter also in the said Order;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the said Order, namely:—

In the Schedule to the said Order, after the words "Port Department", the words and letter "and/or the Masters A Grade of the Dredging Flotilla" shall be inserted.

[No. 28(22)/68-LR.III.]

CORRIGENDUM

New Delhi, the 10th December 1968

S.O. 4515.—In the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3582 dated the 28th September, 1968 published in Part II, Section 3, Sub-section (ii) of the Gazette of India dated the 12th October, 1968—

1. under the heading "Members representing the Dock Workers"; in item (3), for the words "Medida Suryanarayana" read "Mecidda Suryanarayana Murthy".
2. under the heading "Members representing the Employers of Dock Workers and Shipping Companies".
 - (i) in item (2), for the words "B. Banerjee", read "D. Banerjee".
 - (ii) in item (3), for the word "Steamship", read "Ship".
 - (iii) in item (4), for the words "Overseas Shipping Interests" the words "Visakha-patnam Steamship Agents Association" shall be substituted.

[No. 56/1/68--Fac.II.]

K. D. HAJELA. Under Secy.

(Department of Labour and Employment)

New Delhi, the 10th December 1968

S.O. 4516.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2), Dhanbad in the industrial dispute between the employers in relation to the Martin's Light Railways, Calcutta comprising Arrah-Sasaram Light Railway Company Limited and Fatuwah-Islampur Light Railway Company Limited and their workmen, which was received by the Central Government on the 2nd December, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2),
AT DHANBAD

PRESENT:

Shri Nandagiri Venkata Rao—*Presiding Officer.*

REFERENCE NO. 253 OF 1967

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES:

Employers in relation to the Martin's Light Railways, Calcutta, Comprising Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co Ltd.

AND

Their workmen.

APPEARANCES :

For the employers—Shri Ajit Ray Mukherjee, Counsel.

For the workmen—Shri P. P. Pathak, Vice President and Shri C. M. Tewari, Assistant General Secretary, Bihar Martin's Light Railways Mazdoor Congress.

STATE: Bihar

INDUSTRY: Lt. Railways-

Dhanbad, the 27th November 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Martin's Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd. and their workmen, by its order No. 2/39/66-LRIV dated 1st August, 1967 referred to this Tribunal under Section 10(1)(d) of the Industrial Disputes

Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below:

SCHEDULE

- (1) Whether the management of Arrah-Sasaram Light Railway Co. Ltd., and Fatuwah-Islampur Light Railway Co. Ltd., of M/s. Martin's Light Railway, Calcutta was justified in demoting Shri B. B. Pathak, Travelling Ticket Examiner as Ticket Collector. If not to what relief is he entitled?
- (2) Whether the management of Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd., of M/s. Martin's Light Railway, Calcutta was justified in demoting Shri B. L. Singh, from Assistant Inspector of Ticket Checking to Batch Incharge, with effect from the 8th January, 1966? If not, to what relief is the workman entitled?
- (3) Whether the management of Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd., of M/s. Martin's Light Railway, Calcutta was justified in demoting Shri Kesho Prasad from the post of Station Master to Assistant Station Master with effect from 19th November, 1964 and refusing him seniority from the 17th December, 1963 for the cadre of Station Master? If not, to what relief is the workman entitled?"

2. Employers as well as the workmen filed their statement of demands.

3. Arrah-Sasaram Light Railway Co. Ltd. and Fatuwah-Islampur Light Railway Co. Ltd. are two of the five Light Railways under the management of M/s. Martin's Light Railway, Calcutta. These two Railways are operating in Bihar. Immediately before the present dispute the 3 affected workmen, Shri B. B. Pathak, Shri B. L. Singh and Shri Kesho Prasad were working as Travelling Ticket Examiner (T. T. E.), Assistant Inspector of Ticket Checking (A. I. T. C.) and Station Master (S. M.) respectively on Arrah-Sasaram Light Railway Co. Ltd. (hereinafter referred to as the railway). These facts are not in dispute. The complaint of the workmen is that the 3 affected workmen were punished by their employers by way of victimisation by demoting Shri B. B. Pathak to a Ticket Collector from T. T. E., Shri B. L. Singh to Batch-Incharge from A. I. T. C. and Shri Kesho Prasad to Assistant Station Master from S. M. It is further complained that the affected workman Shri Kesho Prasad has also been refused seniority for the cadre of Station Master. The stand of employers is that the action taken by them against the affected workmen was proper and just. They have stated that the affected workman, Shri B. B. Pathak was demoted as a result of a proper domestic enquiry, that the affected workman, Shri B. L. Singh was working temporarily as A. I. T. C., and when a permanent candidate was selected as a A. I. T. C., Shri B. L. Singh was reverted to his original permanent post of Batch-Incharge and that Shri Kesho Prasad was demoted as he was found guilty of gross negligence, temporary mis-appropriation of railway cash, unauthorised removal of a garbage drum from the station to his residence for his own use and mis-behaving with a Traffic Inspector of the railway. The workmen were represented by Shri P. P. Pathak, Vice President and Shri C. M. Tewari, Assistant General Secretary, Bihar Martin's Light Railways Mazdoor Congress and the employers by Shri Ajit Ray Mukherjee, Counsel. On admission by the employers, Exts. W1 to W20 relating to the affected workman, Shri B. B. Pathak, Exts. W 21 to W 31 relating to the affected workman, Shri B. L. Singh and Exts. W 32 to W 45 relating to the affected workman, Shri Kesho Prasad and on admission by the workmen, Exts. M 1 to M 10 relating to the affected workman, Shri B. B. Pathak, Exts. M 11 to M 20 relating to the affected workman, Shri B. L. Singh and Exts. M 21 to M 27 relating to the affected workman, Shri Kesho Prasad were marked. On the application by the workmen dated 13th August, 1968 their statement of demands was amended by deleting the portion commencing from "Shri Kesho Prasad" and ending with "A.S.M." and substituting the same by para 3 mentioned in the application. On behalf of the workmen 3 witnesses were examined and Ext. M28, the service agreement relating to the affected workman, Shri B. L. Singh was marked. On behalf of the employers a witness was examined and Exts. M29 to M39 were marked.

4. I propose to deal with the cases of the affected workmen in their serial order.

(a) *Shri B. B. Pathak*—On 8th February 1966 the affected workman was issued a memo. Ext. W. 1 by one Shri K. N. Prasad, the railway's Assistant Inspector Ticket Control, booking him as a Travelling Ticket Examiner in 7 UP train on 9th February 1966. In respect of the incident that took place between the affected workman and Shri K. N. Prasad at Dhanuati and Piro stations Shri K. N. Prasad reported against the affected workman through Exts. M30 and M31 dated respectively 9th February 1966 and 10th February 1966. After some correspondence between the affected workman and the Traffic Superintendent, the Superintendent issued a letter Ext. M6 on 2nd March 1966, informing him that a Fact Finding Enquiry would be held and suspending him forthwith. On 26th March 1966 the Superintendent issued a charge-sheet, Exts. M7 to the affected workman. The charges were 3 in number and they stated that the affected workman did

not participate in checking the 7 UP train with A.I.T.C., Shri K. N. Prasad at Dhanauli station when called upon to do so by him, that at Piro station the affected workman refused to charge the without ticket passengers of the same train who were caught by the A.I.T.C. and that the affected workman left Piro station by the same train in spite of the instructions by the A.I.T.C. stay back at the station and help him in conducting the surprise check. On 3rd April 1966 the affected workman submitted his explanation, Ext. M8, to the charge-sheet denying the charges. On 4th September 1966 the Chief Personnel Officer issued a letter, Ext. M9 to the affected workman informing him that the General Manager had constituted a Joint Enquiry Committee to enquire into the charges framed against the affected workman, that the enquiry would commence on and from 16th April 1966 in the Superintendent's office at Arrah and that the affected workman should attend the enquiry with his witnesses at the appointed time and date. Accordingly the Joint Enquiry Committee conducted the enquiry on 16th, 17th and 18th April 1966 at Arrah and the enquiry proceedings are Ext. M29. The Enquiry Committee found the affected workman guilty of all the 3 charges. In pursuance of the findings the Traffic Superintendent issued a letter, Ext. M10 dated 1st July 1966 demoting him to the post of a Ticket Collector for a period of 3 years with immediate effect. The period of his suspension was passed with half pay. These facts are not in dispute. The affected workman, WW. 3 has deposed that he was not given opportunity to cross-examine the management's witnesses. But this plea was not taken in the statement filed by the workman. In para 5 it was simply stated that the enquiry was improper. Admittedly, the affected workman appealed to the General Manager through his memo, Ext. W. 15 against the findings of the Enquiry Committee. Nowhere in the memo was it stated that he was deprived of the opportunity to cross-examine the management's witnesses. The affected workman, WW. 3 has admitted that he had attended the enquiry and that he had given his own statement before the Enquiry Committee and had produced his witnesses also. He further conceded that statements of management's witnesses were recorded in his presence and that Shri C. B. Tewari, General Secretary, Bihar Martins Light Railway Mazdoor Congress had represented him in the enquiry. The Enquiry Committee consisted of 3 members and one of them, Shri P. C. Mukherjee was the Chairman. He is examined on behalf of the employers as MW. 1. He has deposed that the affected workman was given full opportunity to cross-examine the management's witnesses. The enquiry proceedings, Ext. M29 also support MW.1 in this respect. They show that out of the 5 witnesses for the management, 4 witnesses were cross examined at length by Shri C. B. Tewari on behalf of the affected workman. Thus, I find no irregularity whatsoever in the procedure adopted in conducting the enquiry. Neither it was pleaded nor, after going through enquiry proceedings, did I find that the findings were perverse. Shri P. P. Pathak, the learned representative of the workmen tried to show that the charge-sheet, Ext. M7 was itself invalid. For this he has relied upon the earlier correspondence that took place between the affected workman and the authorities of the railway. As I have already pointed out, the affected workman was issued a memo, Ext. W.1 on 8th February 1966, booking him as a Travelling Ticket Examiner on 7 UP train on 9th February 1966. In this memo, Ext. W.1 the word "Shri" was omitted to be mentioned before the name of the affected workman. On this the affected workman protested through his letter, Ext. W2 dated 9th February 1966. On the same day he sent another letter, Ext. W.3 stating that the A. I. T. C., Shri K. N. Prasad had ordered him at Piro to get-down using hard words and maintained ugly behaviour before public, that the affected workman requested him to stop the train till he finished his work but the train started and he could not remain with Shri K. N. Prasad at Piro and that such type of insult before public was not tolerable. It was also mentioned that he was prepared to produce witnesses. By then Shri K. N. Prasad had also sent his reports, Exts. M30 and M31 dated respectively 9th February 1966 and 10th February 1966. On 10th February 1966 the Superintendent issued a letter Ext. W.4 to the affected workman suspending him from pay and duty with immediate effect. On 11th February 1966 the affected workman sent a letter, Ext. W.5 to the Superintendent to reconsider the order of suspension and allow him to join duty. It was also mentioned in the letter that he had seen the Superintendent in his chamber and represented to him the facts. In his deposition as WW.3 the affected workman has deposed that after his sending Ext. W.5 the Superintendent sent for him and told him that he would clear the misunderstanding and close the matter and that as desired by the Superintendent he gave him the letter, Ext. W.6 dated 12th February 1966. The letter stated "I beg to state that really I have not disobeyed the order of A. I. T. C. However if he has any misunderstanding I am sorry for the same and I may be excused so I request you to kindly reconsider your order and revoke the suspension". This letter belies the deposition of the affected workman that before he sent the letter, Ext. W.6 the Superintendent had told him that he would clear the misunderstanding and close the matter. Ext. W.7 is a letter signed for the Superintendent, dated 12th February 1966 and addressed to the affected workman stating that he was allowed to join duty and that a formal letter would follow. It was followed by the letter, Ext. W8 of the same date. After narrating the incident as described in Exts. M30 and M31 the letter stated, "However in view of the apology letter you have tendered and prayed for excuse, I am re-instating you back to the post of the T. T. E. with a final warning that in future if any

adverse report concerning your conduct with your superior officer or your colleagues or your understaff are received and proved to be genuine as well as your workings are adversely reported upon severe drastic action will be taken against you which may entail even removal from service. I hope I will not have the painful necessity of taking recourse to this extreme measure in future. A copy of this letter is being kept in your personal file." Having received the letter, Ext. W.8, the affected workman sent again a letter, Ext. W.9 dated 23rd February 1966 to the Superintendent. The letter stated that at the instance of the A. T. S. he had written Ext. W-6, that Ext. W-6 should not be treated as a written excuse and admission and that the final warning issued to him through Ext. W.8 be reconsidered and withdrawn pending a thorough joint enquiry into the allegations. It emerges that owing to this letter, Ext. W.9 the matter went back to Ext. W.4. The Traffic Superintendent wrote a letter, Ext. W.10 on 2nd March 1966 to the affected workman, stating that the suspension order against him was withdrawn in view of the unconditional apology, Ext. W.6 tendered by him, with a warning and that as desired by him through his letter, Ext. W.9 a Fact Finding Enquiry would be held against him. Through the letter the affected workman was again placed under suspension. Then the charge-sheet, Ext. M7, enquiry, Ext. M29 and the demotion order Ext. W14 followed. Against the demotion order, Ext. W.14, the affected workman submitted an appeal memo, Ext. W.15 to the General Manager. The General Manager wrote a letter, Ext. W.16 dated 3rd August 1966 to the affected workman stating that having carefully considered the appeal he did not find sufficient reasons to interfere with the order, Ext. W. 14. On these facts Shri P.P. Pathak, the learned representative of the workmen has vehemently argued that the warning administered to the affected workman, through Ext. W.8 was a punishment without any enquiry and on the same facts the affected workman could not be punished again by demotion through Ext. W. 14. But from the admitted documents of the workmen themselves it emerges that the warning administered through Ext. W.8, whether right or wrong, was revoked on the letter of the affected workman, Ext. W.9 and a fresh enquiry was ordered as desired by him. Thus, the punishment of warning, was no more in existence when the charge-sheet, Ext. M7 was issued to the affected workman and fresh enquiry was started. In this view there is no substance in the contention that the affected workman was punished twice for the same acts. It was also contended that the punishment order, Ext. W.14 was signed by the Traffic Superintendent and not by the General Manager. But Ext. W.16, which disposed of the appeal and confirmed the order, Ext. W.14 was signed by the General Manager. In this view I do not find any force in the objection. The reasonableness of the punishment awarded to the affected workman is also questioned. In the charge-sheet, Ext. M7 itself the penalties that could be imposed are mentioned, inclusive of withholding of promotion and reduction to a lower post. In the Service Regulations of the Railway, Ext. M39, Chapter 10, penalties which may be imposed on permanent and temporary staff are enumerated. They include in them withholding of promotion and reduction to a lower post also. Hence, there is no room to argue that the punishment awarded to the affected workmen was not authorised. For these reasons, I find that the act of the railway was justified in demoting the affected workman.

(b) *Shri B. L. Singh*.—The case of the workmen is that the affected workman was demoted to the post of Batch-Incharge from A.I.T.C. with effect from 8th January 1966 and that it was illegal, bad and malafide, carried with ulterior motive. According to the railway, the affected workman was not demoted at all, but the post of A.I.T.C. being a selection post and another candidate having been selected to it in accordance with the rules, the affected workman, who was acting temporarily as A.I.T.C. was put back to his substantive post of Batch-Incharge. The affected workman, WW.2 himself has provided the details of the dispute in this respect. According to him, while he was working as Batch-Incharge he was promoted as A.I.T.C. by the order, Ext. M11, Ext. M11 is addressed to the affected workman as Batch-Incharge, Arrah dated 1st October, 1964. It says that with immediate effect the affected workman was temporarily promoted as acting A.I.T.C. over A.S. & F.T. Railways on his present pay plus acting allowance as admissible under the rules until further orders. Ext. W.21 is the order dated 28th October 1965 stating that with effect from 1st November 1965 the pay of the affected workman as an officiating A.I.T.C. was fixed at Rs. 150/- per month. Thus, from the above documents it emerges that the affected workman was working in the post of A. I. T. C. purely on temporary and acting basis. It is not the case nor is it deposed by the affected workman, WW.2 that he was made permanent in the post nor was selected to it. It is not in dispute that the post of A. I. T. C. is a selection post. Ext. M37 are the rules for constitution of the Selection Board for recruitment and promotion of staff to a selection post. In accordance with the rules the General Manager took a decision as per Ext. M12 on 16th December 1964 to fill up a post of A. I. T. C. by selection by a duly constituted Selection Board and invited applications from the candidates. Ext. M32 are the proceedings of the Selection Board meetings. They show that four candidates were found suitable for the post and out of them the affected workman topped the list followed by one Shri K. N. Prosad. Ext. M33 dated 14th September 1965 is a note by the General Manager permitting the affected workman to

continue to officiate as A.I.T.C. over the A. S. Railway for the present and directing the Superintendent to arrange for the affected workman and Shri K. N. Prosad to appear before him. Ext. M34 shows that the General Manager had interviewed the affected workman and Shri K. N. Prosad on 25th November 1965. Ext. M36 is a note dated 6th January 1966 under the signature of the General Manager, stating that the affected workman should be reverted to his substantive appointment and that Shri K. N. Prosad appointed to officiate as A. I. T. C. for a period of six months or until further orders. Ext. M35 is a letter from the Traffic Superintendent to the Superintendent, Arrah and dated 7th January 1966 directing him to appoint Shri K. N. Prosad to officiate as A. I. T. C. and to revert the affected workman to his substantive post of Batch-Incharge on the pay which he would have got had he not been promoted an A. I. T. C. Then follows the letter, Ext. W.22 dated 8th January 1966 under the signature of the Superintendent stating that with immediate effect the affected workman was put back to his substantive post of Batch-Incharge on Rs. 98/- per month. From these documents it emerges that the affected workman was promoted temporarily purely on acting basis as A. I. T. C. and when a candidate was selected to the post he was reverted to his substantive post of Batch-Incharge. I do not see anything wrong in the railways giving an opportunity to the affected workman to work in a higher post and reverting him back to his substantive post when a candidate was selected to the post of A. I. T. C. in accordance with the rules. There is no room to argue that the selection by the General Manager of Shri K. N. Prosad giving preference to him over the affected workman was not justified, because the General Manager had full discretion to select any of the four candidates found suitable by the Selection Board. If it could be argued that the candidate topping the list of the four should be selected by the General Manager as a rule and he had no discretion whatsoever in the matter, there could be no meaning in the Selection Board sending four names to the General Manager. That apart, the order passed by the General Manager selecting Shri K. N. Prosad in preference to the affected workman was never challenged anywhere and no dispute was raised in that respect. The present dispute is confined to the justification or otherwise of the so-called demotion of the affected workman. When a purely acting incumbent is reverted to his substantive post the act can neither be termed demotion nor can the question of its justification arise. The incumbent acting purely in an officiating capacity does not acquire any right to the post. Further, the railways again gave the affected workman an opportunity to officiate as A. I. T. C. But he declined the offer. Against the order reverting him to his substantive post of Batch-Incharge the affected workman made a representation, Ext. M13 to the Traffic Superintendent. The Traffic Superintendent in consideration of the representation and on the order of the General Manager permitted the affected workman to officiate as A. I. T. C. over the H. A. and H. S. Railways (Bengal) as per the order. Ext. M14 and conveyed the same information to the affected workman, through Ext. M15. Through his letter, Ext. M16 the affected workman represented to the General Manager his difficulties in accepting the offer of promotion to A. I. T. C. in Bengal and requested him to allow him to work as A. I. T. C. in Bihar. The General Manager regretted that he could not alter the order of the appointment of the affected workman over Bengal railways and stated at the same time that after the affected workman joined the Bengal railways his request for posting over other railways would receive due consideration subject to the exigencies of the work, as can be seen from the letter, Ext. M17. In spite of it the affected workman did not accept the offer and decided to join at Arrah as Batch-Incharge under protest. These facts establish clearly that in spite of the railways appointing him again as acting A. I. T. C. on Bengal railways, the affected workman did not choose to accept the appointment. In this connection it is significant to note that through Ext. M17 the affected workman was informed that the supervisory staff are liable to be posted anywhere within the organisation in the exigencies of work and that the affected workman had agreed before the Selection Board at the time of his interview to go anywhere in the organisation. MW.1, who was the Chairman of the Selection Board has in his evidence that at the time of the interview with the candidates, inclusive of the affected workman, it was made clear that in case they were selected for the post of A. I. T. C. they would be liable to be transferred and posted anywhere on the different railways under the management of Martin's Light Railways and the candidates who did not agree to such a transfer were not considered by the Board. Against the letter Ext. M17 the affected workman wrote a letter, Ext. M18 but he did not challenge the statements made in Ext. M17 viz. that the supervisory staff were liable to be posted anywhere within the organisation and that the affected workman had agreed before the Selection Board at the time of his interview to go anywhere in the organisation. Ext. M28 is the Service Agreement between the affected workman and the railways. The railways are described in the agreement as, "The Howrah Amta Light Railway Company Limited. The Howrah Sheakhala Light Railway Company Limited. The Futwah Islampur Light Railway Company Limited, The Arrah Sasaram Light Railway Company Limited, and the Shahdara (Delhi) Saharanpur Light Railway Company Ltd. all of which companies are incorporated under the Indian Companies Act 1913 and have their registered office at No. 12, Mission Row, Calcutta and are at present managed by Martin Burn Ltd. as Managing Agents or Secretaries & Treasurers (hereinafter collectively called "the Railway Companies" generally styled as Martin's Light Railway)."

Clause I of the agreement categorically says, "The Railway Companies will be at liberty to direct from time to time during the term of this agreement that the Railway Servant will be employed by any other Railway Company out of them and/or that the Railway Servant will be appointed in any other post and the Railway Servant will be bound to serve the Railway Company and/or be appointed in that post accordingly". The agreement, Ext. M28 is signed and admitted by the affected workman. In this view the railways were generous to give another opportunity to the affected workman by appointing him as acting A. I. T. C. in Bengal railways and if the affected workman did not avail of the opportunity, he has to blame himself. From Ext. M18 it appears that the affected workman was suffering under an impression that he had the right to serve as A. I. T. C. on Bihar railways. As I have already pointed out he had no such right when he was in the post purely in an acting capacity. For these reasons I do not find any substance in the case set up by the workmen as regards this affected workman.

(c) *Shri Kesho Prasad*—The complaint of the workman is that the affected workman was arbitrarily demoted to the post of A.S.M. from the post of Station Master with effect from 19th November 1964 and refused seniority from 17th December 1963 for the cadre of S. M. According to the railways the affected workman was originally appointed as an A.S.M., that on his being found guilty of several charges he was demoted to the post of a Booking Clerk for a period of two years with effect from 17th August 1961, that his seniority was also affected at the same time and in accordance with the provisions of the Service Regulations of the railway by placing his name at the top of the list of booking clerks, that on expiry of the said period of two years his name was placed at the bottom of list of A.S.Ms, that when a post of S. M. fall vacant temporarily the affected workman was asked to act as S. M. purely as a casual measure, that upon the return of the permanent S. M. to his duties the affected workman was placed back to his old post and seniority on 5th April 1965 and posted as A.S.M. The railways flatly denied that the affected workman was demoted with effect from 19th November 1963 or that his seniority for the cadre of S.M. was refused from 17th December 1963. The reversion of the affected workman as a booking clerk in 1961 is a closed chapter and it is not disputed. It is also not disputed that for two years thereafter he continued to work as a booking clerk. The reversion order is Ext. W.45. It is stated in the order that the affected workman was demoted to the post of booking clerk for a period of two years and subject to earning good report regarding his working and behaviour his case could be considered after two years. Ext. W32 is the order dated 21st August 1963, reinstating the affected workman to his former post of A.S.M. and attaching him with training school at Arrah for attending refresher course. Ext. W.33 is a letter from the affected workman dated 18th November 1963, stating that he had completed the refresher course and that he should be posted as S. M. instead of as A.S.M. Ext. W.34 is the order of the Superintendent promoting the affected workman as S.M. and it is dated 17th December 1963. It is to be noted that the letter categorically stated that the promotion was temporary. Ext. W.35 dated 19th November 1964 is with reference to Ext. W.34 and by it the affected workman was put back to his former post of A.S.M. Thus, the affected workman was put back to his post of A.S.M. with effect from 19th November 1964. These facts are admitted by the affected workman, WW.1. He has categorically conceded that he was not confirmed as S.M. There is no material brought on record to substantiate the allegation that the affected workman was refused seniority from 17th December 1963 for the cadre of Station Master. When the affected workman was not confirmed as S.M. and was put back to his substantive post, I find no force in the contention that it was demotion. For these reasons the case of this affected workman also has no force.

5. I, therefore, hold that the management of Arrah-Sasaram Light Railway Co. Ltd and Fatuah-Islampur Light Railways Co. Ltd. of M/s. Martin's Light Railway, Calcutta was justified in demoting Shri B. B. Pathak, Travelling Ticket Examiner as Ticket Collector, in reverting Shri B. J. Singh from Assistant Inspector of Ticket Checking to Batch-Incharge with effect from the 8th January, 1966 and reverting Shri Kesho Prasad from the post of Station Master to Assistant Station Master with effect from 19th November, 1964 and, as such, none of them is entitled to any relief. The award is made accordingly and submitted under Section 15 of the Industrial Disputes Act, 1947.

Sd./- N. VENKATA RAO,
Presiding Officer,
Central Government Industrial Tribunal,
(No. 2), Dhanbad.

[No. 2/39/66-LRIV]

New Delhi, the 13th December 1968

S.O. 4517.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Bombay in the industrial dispute between the employers in relation to the Jayabharat Insurance Company Limited, Bombay and their workmen, which was received by the Central Government on the 5th December, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, BOMBAY.

REFERENCE No. CGIT-39 OF 1965

PARTIES

Employers in relation to the Jayabharat Insurance Company Limited.

AND

Their workmen.

PRESENT:

Shri A. T. Zambre, *Presiding Officer.*

APPEARANCES:

For the employers.—Shri R. C. Parikh, General Manager, Jaya Bharat Insurance Co. Ltd.

Shri K. B. Joshi, Labour Relations Adviser, Shri V. D. Cheluni and Shri H. G. S. Acharya, for the New India Assurance Co. Ltd.

For the workmen.—Shri J. G. Gadkari, Advocate, Shri K. S. S. Pillai, Jt. Secretary, All India Insurance Employees' Association and Shri R. P. Singh, General Secretary, All India Federation of New India Assurance Employees' Federation, Bombay.

STATE: Maharashtra.

INDUSTRY: General Insurance.

Bombay, the 26th November 1968

AWARD

The Government of India, Ministry of Labour and Employment, have by their Order No. 70(5)/65-LRIV dated 3rd June 1965 referred to this Tribunal for adjudication an industrial dispute existing between the employers in relation to the Jaya Bharat Insurance Company Limited and their workmen in respect of the matters specified in the following schedule :—

SCHEDULE

1. "Whether the business of the Jayabharat Insurance Company Limited has been and is being transferred to the New India Assurance Company Limited and/or to its subsidiary companies?
2. If the reply to (1) is in the affirmative, whether the Jayabharat Insurance Company Limited is justified in resorting to retrenchment of any of its employees on the plea that the staff is surplus to its requirements?
3. If the reply to (2) above is in the negative whether the employees concerned of the Jayabharat Insurance Company Limited are entitled to be transferred to the New India Assurance Company Limited and/or its subsidiary Companies, with continuity of service and on the existing terms and conditions of their service?"

2 The employees of the Jayabharat Insurance Company Limited who are represented by the All India Insurance Employees' Association have by their written statement alleged that the Jayabharat Insurance Company was a subsidiary of Messrs. New India Assurance Company Limited, Bombay, till recently and even now 49 per cent of the shares of the company were held by Messrs. New India and a fairly large number of shares were held by the officers and directors of the New India Assurance Company Ltd. The management of both the companies decided that the Jayabharat Insurance Company will transfer its insurance business to New India Assurance Company. Accordingly they did and consequent upon the transfer of business of Messrs. Jayabharat Insurance Company it had closed its branch office at Ambala and had retrenched its employees working in that branch office. Some of the branch offices in the South have been merged with the branch offices of New India and or South India without transferring the services. Messrs. Jayabharat Insurance Co. Ltd., had also converted for Delhi Divisional Office into a branch office and closed its Kanpur office. The entire re-insurance work of Jayabharat

was also transferred to New India and thus the business of Jayabharat Insurance Company is being transferred systematically and gradually and it has been taken over by either the New India Assurance Company or South India, the subsidiary of New India.

3. It is contended that according to the principles of industrial adjudication the employees are entitled to claim transfer of their employment as and when the business of one company is transferred to another company. The management of New India agreed to absorb only 25 employees of the reinsurance department but they are unjustifiably insisting on giving a break in their service and the workmen of the Jayabharat Insurance Company Limited are entitled to be transferred to the New India Assurance Company Ltd., or to its subsidiaries with continuity of service and full benefits of their past service in the Jayabharat Insurance Company and this Tribunal should be pleased to direct the New India management to take the 25 employees of Jayabharat Insurance Company Ltd., and others as transferred employees and not as fresh entrants.

3 A. The Jayabharat Insurance Company had denied the allegation about the company being a subsidiary to the New India Assurance Company and the alleged transfer of business. They have admitted that the company had taken a decision to place the company's re-insurance business with the New India Assurance Co. with effect from 1st January, 1965. They have contended that they had closed a few of the branches on account of their unsatisfactory working and high cost and on administrative difficulties and it was possible that the staff members of such branches might have subsequently joined New India Assurance Co. and taken over some of the business they used to place with Jayabharat to New India and there was no transfer of business and as the offices were closed the company was justified in resorting to retrenchment of the employees as the staff was surplus to requirements. They have contended that New India was not a party concerned in the alleged industrial dispute between Jayabharat and its employees and cannot be treated as a party to the said dispute and have further stated that if out of generosity New India had agreed to take some of the staff members of the company it was open to New India to have its own terms, conditions and proposals on which it could consider taking over a few staff members of Jayabharat and the workmen were not entitled to claim any right of continuity.

4. The New India Assurance Company Ltd., has also by their written statement denied the allegations made by the workmen and had contended that Jayabharat was a separate legal entity and the Board of Directors of the management of New India did not control the affairs of Jayabharat. They have contended that Jayabharat had closed a few of its branches on account of high cost and uneconomic working of such branches and few of the staff members of such branches have subsequently joined the New India and there was no question of the business of Jayabharat having been transferred to New India or its subsidiary companies.

5. They have further contended that there was no industrial dispute existing between the workmen of Jayabharat and New India Assurance Company and New India was not a party to the alleged dispute. They have admitted that there is a reinsurance treaty between Jayabharat and the New India and it was as a matter of good gesture and goodwill at the request of Jayabharat management that New India has offered without prejudice certain terms and conditions for taking over a few of the staff members of Jayabharat and the company was not liable to treat the employees as continuous.

6. The case was kept for hearing on various occasions but it was required to be postponed as all parties wanted to negotiate. Though New India was not directly a party to the dispute between the workmen and the Jayabharat Insurance Company there were business connections between the two companies and as a result of the negotiations New India Assurance Company had agreed to absorb a majority of the workmen in the employ of Jayabharat Insurance Company and the matter has been amicably settled.

7. It appears that after the reference Jayabharat has stopped accepting direct insurance business and has reached some understanding with New India Assurance Company Limited and the dispute was settled before the Assistant Labour Commissioner (Central), Bombay before whom the representatives of the Jayabharat Insurance Company made a statement which was accepted by the representatives of the workmen viz., the All India Insurance Employees Association, Bombay and the All India Federation of the New India Assurance Co. Ltd., Employees' Unions and was also confirmed by the representatives of the New India Assurance Company.

8. This statement is signed by the representatives concerned. It will appear from the terms of settlement that New India Assurance Company has agreed to absorb 97 employees who have been listed in three annexures. The employees listed in annexure

'A' are to be placed in their respective corresponding grades of the New India so that at the time of their appointment their total emoluments will not be less than the total emoluments they received last. The employees stated in part B will be at the time of their appointment placed on basic salaries as shown against their respective names instead of being on exact slab of the grade. It will be seen that the parties have taken care that the total emoluments (basic salary plus D.A. plus H.R.A.) on appointment with New India will not be less than their total emoluments last received from Jayabharat and it is clear that the terms of settlement are fair and reasonable. The parties have also by their application dated 14/19th November 1968 requested this Tribunal to pass an award in terms of settlement. Hence I pass an award in terms of the settlement contained in the statement exhibit 1 dated 12th July 1968 together with the annexure A, B, B-1, C and D which shall form part of this award.

No order as to costs.

(Sd.) A. T. ZUMBRA, Presiding Officer.

Central Government Industrial Tribunal, Bombay.

Exhibit 1

The representative of the Jayabharat Insurance Company Limited hereinafter referred to as 'Jayabharat' States as under :—

1. The 'Jayabharat' having stopped accepting direct insurance business from 1st January, 1968, have found that they have some surplus members of staff. They have requested the Management of The New India Assurance Company Limited (hereinafter referred to as 'New India') who have agreed to appoint on their staff 97 of such surplus employees being employees at H.O. as well as other staff at various branches both listed in the statement attached herewith and marked Annexure 'A'. Out of these 97 employees, 50 employees of H.O. and 30 employees of the various branches to be appointed from 15th July 1968 and the remaining 17 employees to be appointed not later than 1st December, 1968.

2. The 'New India' will, on appointment of such surplus employees listed at Annexure 'A', place them in the respective corresponding grade of the 'New India', so that at the time of their appointment with 'New India' their total monthly emoluments (basic salary plus D.A. plus H.R.A.) in 'New India' will not be lesser than the total monthly emoluments (Basic salary plus D.A. plus H.R.A.) last received by them from the 'Jayabharat'. The 'New India' while placing such surplus employees in their respective grades will fix them upon the appropriate slab of the grade of 'New India'.

However, as regards the employees listed in Part 'B' of Annexure 'A', they shall be placed at the time of their appointment with 'New India' on appropriate basic salary as shown against their respective names instead of being on exact slab of the grade and on 1st January, 1969 those employees shall be placed at immediate next higher step of the 'New India' grade. It is understood that such employees shall receive the difference by way of fitting in of salary as on 1st January, 1969 in lieu of the annual increment and they shall have no claim nor shall they claim any further benefit beyond that has been stated herein.

These employees will be issued individual letters of appointment by 'New India' as per the draft enclosed and marked Annexure 'B' (Employees listed in Part 'B' of Annexure 'A' will be issued individual letters of appointment by the 'New India' as per the draft enclosed and marked Annexure B1). Their services with the 'Jayabharat' will be taken into account for all purposes including Provident Fund, Gratuity, eligibility for promotion, accumulation of leave, date of increment. It shall also be taken into account for purposes of retrenchment, if any, from the 'New India'. In view of the above, it is understood that on their appointment with 'New India', all their rights for any compensation whatsoever from the 'Jayabharat' including Provident Fund, Gratuity, Leave Salary etc., shall be deemed to have waived and forfeited by these employees.

3. The remaining permanent employees of 'Jayabharat' who are on the Pay Roll of 'Jayabharat' as on 1st January, 1968 (listed in the statement attached herewith and Marked Annexure 'C') will continue to remain in the employment of the 'Jayabharat' so long as they are required by the 'Jayabharat' for their insurance business or any other business that the 'Jayabharat' or its successors may transact hereafter.

4. The 'New India' have, however, agreed to the request of the 'Jayabharat' that in the event of the services of any of these remaining employees (listed in Annexure 'C') being found surplus by the 'Jayabharat' in future, the 'New India' will give preference to them for a period of two years from the date they are relieved from the services by the 'Jayabharat', for being considered for employment, when recruiting employees in similar cadre in the 'New India'.

5. Out of the employees listed at Annexure 'C', such employee/employees as may be relieved by 'Jayabharat' and appointed by the 'New India' within a period of six months from the date they are relieved by the 'Jayabharat' will not be entitled to claim or receive any Provident Fund, Gratuity, Retrenchment Compensation, Leave Salary etc. whatsoever from the 'Jayabharat' and all such rights shall be deemed to have been waived and forfeited by these employees. The total emoluments (Basic salary plus D.A. plus H.R.A.) of such employee/employees when appointed by the 'New India' will not be less than his/their total monthly emoluments (Basic salary plus D.A. plus H.R.A.) last received by him/them from the 'Jayabharat' and they will be issued individual letters of appointment as per draft marked Annexure 'B' or Annexure B1 as the case may be.

6. Out of the employees listed at Annexure 'C', such employee/employees not appointed by the 'New India' within a period of six months from the date he/they are relieved by 'Jayabharat', will be entitled to receive all his/their dues i.e. Provident Fund, Gratuity, Retrenchment Compensation, Leave Salary etc. from 'Jayabharat'. Notwithstanding this, such employees will have the benefit of preferential consideration for employment by the 'New India' for a period of two years from the date he/they are relieved from the services of 'Jayabharat' and as referred to hereinabove in clause 4.

The total monthly emoluments (Basic salary plus D.A. plus H.R.A.) of such employee/employees, on appointment in 'New India' will not be less than his/their total monthly emoluments (Basic salary plus D.A. plus H.R.A.) last received by him/them from the 'Jayabharat' and they will be issued individual letters of appointment as per draft marked Annexure 'D'.

7. The representative of the 'New India' states that he has heard the statement of the 'Jayabharat' and confirms that this is the correct position.

8. The representatives of the workmen state that in view of the statements made by the representatives of 'Jayabharat', and confirmed by the representative of 'New India', the above matter may be closed.

Signature of the Representative of the
'Jayabharat'.

Sd./-.....

Signature of the Representative of the
All India Insurance Employees'
Association.

Sd./-.....

Signature of the Representative of the
All India Federation of the New
India Assurance Co. Ltd., Employees'
Unions.

Sd./-.....

Signed at Bombay this 12th day of July, 1968

Statement confirmed by the Representative of the 'New India'.

Signature Sd./-.....

ANNEXURE 'A'

List of 97 Surplus Employees

Sl. No.	Name	Jayabharat		New India	
		Grade	Basic Salary	Grade	Basic Salary
			Rs.		Rs.
1.	Mr. K. V. Toprani	Sect. Head	615	SA	545
2.	Mr. G. G. Potdar	Sect. Head	510	SA	465
3.	Mr. S. M. Kulkarni	Sect. Head	645	SA	545
4.	Mr. A. Z. Khaturia	Sect. Head	645	SA	545
5.	Mr. G. M. Desai	Sect. Head	535	SA	465
6.	Mr. V. G. Govekar	Sect. Head	615	SA	545
7.	Mr. V. R. Maldankar	Sect. Head	485	SA	440
8.	Mr. C. N. Shah	Sect. Head	645	SA	545
9.	Mr. B. U. Desai	Sect. Head	615	SA	545
10.	Mr. D. U. Trivedi	Sr. Asstt.	490	A	445
11.	Mr. R. I. Chhachhia	Sr. Asstt.	375	A	360
12.	Mr. S. G. Govekar	Sr. Asstt.	375	A	360
13.	Mr. S. M. Shah	Sr. Asstt.	360	A	345
14.	Mr. V. C. Mithani	Sr. Asstt.	345	A	330
15.	Mr. H. S. Rao (Steno)	Sr. Asstt.	540	AS	470
16.	Mr. S. Y. Narayan (Steno)	Sr. Asstt.	375	AS	360
17.	Mr. M. V. Dhurandhar	Sr. Asstt.	540	A	470
18.	Mr. B. G. Sampat	Sr. Asstt.	490	A	445
19.	Mr. R. B. Chaitanya	Sr. Asstt.	490	A	445
20.	Mr. D. B. Oza	Sr. Asstt.	470	A	425
21.	Mr. B. B. Vasudev	Sr. Asstt.	470	A	425
22.	Mr. B. H. Joshi	Sr. Asstt.	430	A	390
23.	Mr. D. K. Salian	Sr. Asstt.	515	A	470
24.	Mr. B. N. Sardesai	Sr. Asstt.	490	A	445
25.	Mr. K. S. Tamboskar	Sr. Asstt.	430	A	390
26.	Mr. C. S. Narayan	Sr. Asstt.	430	A	390
27.	Mr. M. B. Pokhare	Sr. Asstt.	470	A	425
28.	Mr. R. Shah	Sr. Asstt.	430	A	390
29.	Mr. M. M. Porecha	Assistant	654	B	425
30.	Mr. R. K. Pai	Assistant	385	B	370
31.	Mr. K. V. Shah	Assistant	355	B	340
32.	Mr. D. V. Ved	Assistant	355	B	340
33.	Mr. T. S. Tendulkar	Assistant	465	B	425
34.	Mr. T. M. Bhatia	Assistant	445	B	405
35.	Mr. N. K. Salian	Assistant	385	B	370
36.	Mr. L. M. Porecha	Assistant	355	B	340
37.	Mr. G. C. Shah	Assistant	370	B	355
38.	Mr. D. A. Karvinde	Assistant	445	B	405
39.	Mr. P. C. Parikh	Assistant	465	B	425
40.	Mr. D. I. Soloman	Assistant	355	B	340
41.	Mr. M. T. Desai	Assistant	465	B	425
42.	Mr. M. K. Anjarlekar	Assistant	385	B	370
43.	Mr. D. D. Wadia	Assistant	370	B	355
44.	Mr. B. D. Dalvie	Sub-staff	205	Sub-staff	195
45.	Mr. S. S. Amin	Sub-staff	195	Sub-staff	190
46.	Mr. B. K. Utekar	Sub-staff	180	Sub-staff	165
47.	Mr. G. B. Kadam	Sub-staff	180	Sub-staff	165
48.	Mr. V. K. Gaund	Sub-staff	175	Sub-staff	165
49.	Mr. R. M. Patel	Sr. Asstt.	345	A	315
50.	Mr. H. S. Shah	Assistant	355	B	235
51.	Mr. N. M. Desai	Assistant	295	B	270
52.	Mr. C. N. Mehta	Assistant	235	B	230
53.	Mr. D. C. Parikh	Assistant	189	B	178
54.	Mr. K. C. Shah	Assistant	173	B	170
55.	Mr. N. C. Barot	Sub-staff	132	Sub-staff	128
56.	Mr. L. M. Rajput	Sub-staff	132	Sub-staff	128
57.	Mr. Des Raj	Sub-staff	145	Sub-staff	134
58.	Mr. Hanumanmal Jain	Assistant	385	B	340
59.	Mr. N. C. Basu	Assistant	235	B	230
60.	Mr. Reni Singh	Sub-staff	120	Sub-staff	122

Sl. No.	Name	Jayabharat		New India	
		Grade	Basic Salary	Grade	Basic Salary
			Rs.		Rs.
61.	Mr. Nebu Lal	Sub-staff	120	Sub-staff	122
62.	Mr. Tilak Raj Sharma	Assistant	245	B	250
63.	Mr. B. K. Varma	Assistant	245	B	250
64.	Mr. Jai Kishan Joshi	Sub-staff	145	Sub-staff	143
65.	Mr. P. R. Bhangadia	Assistant	275	B	260
66.	Mr. S. S. Sharma	Sub-staff	138	Sub-staff	131
67.	Smt. G. Sundari	Assistant	255	B	240
68.	Mr. C. Sivaprakash	Sub-staff	132	Sub-staff	128
69.	Mr. R. H. Patel	Assistant	189	B	178
70.	Mr. D. T. Bengali	Assistant	173	B	170
71.	Mr. B. V. Balwani	Assistant	295	B	270
72.	Mr. Nana Ugemuge	Sub-staff	126	Sub-staff	125
73.	Mr. K. C. Saboo	Assistant	173	B	170
74.	Mr. L. V. Gokhale	Sr. Asstt.	390	A	364
75.	Mr. B. B. Rao	Sr. Asstt.	410	A	376
76.	Mr. I. J. Linbachia	Sr. Asstt.	410	A	376
77.	Mr. S. T. Mehta	Sr. Asstt.	410	A	376
78.	Mr. J. M. Desai	Sr. Asstt.	410	A	376
79.	Mr. M. R. Ambedkar	Sr. Asstt.	390	A	364
80.	Mr. H. C. Desai	Sr. Asstt.	390	A	364
81.	Mr. A. B. Nunes	Sr. Asstt.	390	A	364
82.	Mr. K. B. Aga	Assistant	310	B	301
83.	Mr. M. K. Soman	Assistant	405	B	374
84.	Mr. J. M. Parikh	Assistant	405	B	374
85.	Mr. R. R. Pandit	Assistant	425	B	388
86.	Mr. M. R. Gandhi	Assistant	405	B	374
87.	Mr. R. J. Kalwaste	Assistant	310	B	301
88.	Mr. N. T. Kajaria	Assistant	425	B	388
89.	Mr. D. P. Bhat	Assistant	405	B	374
90.	Mr. M. G. Bapat	Assistant	340	B	326
91.	Mr. H. C. Rajdev	Assistant	245	B	233
92.	Mr. A. C. Sheth	Assistant	245	B	233
93.	Mr. Mohan Lal	Peon	129	Sub-staff	127
94.	Mr. Rosan Lal	Peon	135	Sub-staff	130
95.	Mr. R. C. Parti	Assistant	245	B	233
96.	Mr. B. C. Naik	Sr. Asstt.	315	A	285
97.	Mr. C. M. Rathod	Sub-staff	135	Sub-staff	130

ANNEXURE 'B'

Dear Sir,

We are pleased to inform you that on and from.....you will be appointed in the services of our Company as an Assistant/Typist/Steno.....on the following terms and conditions:—

1. Remuneration:

Basic Salary (in the scale of Rs.)	Rs.
D.A. (including Addl. D.A.)	Rs.
H.R.A.	Rs.

2. You will be treated as a confirmed employee of the Company from the date of your joining our Company and will be governed by the Company's rules and regulations that may be in force from time to time.

3. Your services with the 'Jayabharat' will be taken into account for all purposes including Provident Fund, Gratuity, eligibility for promotion, accumulation of leave, date of increment. It shall also be taken into account for purposes of retrenchment, if any, from the 'New India'.

4. You will undergo such theoretical and practical training as may be required by the Company.

5. You will devote full time and attention to the services of the Company and discharge faithfully and duties as are assigned to you from time to time.

6. You are liable to be transferred to any of the Company's offices in India.

7. Please return the duplicate copy of this letter of appointment duly signed by you, to indicate that you have accepted all the terms and Conditions mentioned therein.

Yours faithfully,

ANNEXURE 'B'—I

Dear Sir,

We are pleased to inform you that on and from..... you will be appointed in the services of our Company as an Assistant/Typist/Steno..... on the following terms and conditions:—

1. Remuneration :

Basic Salary (in the scale of Rs.)	..	Rs.
D.A. (including Add. D.A.)	..	Rs.
H.R.A.	..	Rs.

As for your remuneration from 1st January, 1969, it is understood that you shall receive the difference by way of fitting in of salary as on 1st January, 1969 in lieu of the annual increment and that you shall have no claim nor shall you claim any further benefit beyond what has been stated herein.

2. You will be treated as a confirmed employee of the Company from the date of your joining our Company and will be governed by the Company's rules and regulations that may be in force from time to time.

3. Your services with the 'Javabharat' will be taken into account for all purposes including Provident Fund, Gratuity, eligibility for promotion, accumulation of leave, date of increment. It shall also be taken into account for purposes of retrenchment, if any, from the 'New India'.

4. You will undergo such theoretical and practical training as may be required by the Company.

5. You will devote full time and attention to the services of the Company and discharge faithfully and honestly duties as are assigned to you from time to time.

6. You are liable to be transferred to any of the Company's offices in India.

7. Please return the duplicate copy of this letter of appointment, duly signed by you, to indicate that you have accepted all the terms and conditions mentioned therein.

Yours faithfully,

ANNEXURE 'C'

Remaining Permanent Employees of Jayabharat on their Pay Roll as on 1st January, 1968

Serial No.	Name	Place	Grade
1.	Mr. I. M. Upadhyaya	H.O. (39)	Sect. Head
2.	Mr. R. D. Porocha	"	Sect. Head
3.	Mr. N. M. Maniar	"	Sect. Head
4.	Mr. J. W. Penkar	"	Sr. Asstt.
5.	Mr. S. Krishnan	"	Sr. Asstt.
6.	Mr. N. S. Raman	"	Sr. Asstt.
7.	Mr. B. N. Bangera	"	Sr. Asstt.
8.	Mr. D. V. Gokaru	"	Sr. Asstt.
9.	Mr. M. K. Pacikh	"	Sr. Asstt.
10.	Mr. P. V. Kapadia	"	Assistant
11.	Mr. G. D. Toprani	"	Assistant
12.	Mr. H. H. Sheth	"	Assistant
13.	Mr. S. T. Khamker	"	Assistant
14.	Mr. B. C. Katdare	"	Assistant
15.	Mr. B. K. Menon	"	Assistant
16.	Mr. G. B. Jayakar	"	Assistant
17.	Mr. H. Jairam	"	Assistant
18.	Mr. B. P. Shah	"	Assistant
19.	Mr. C. B. Bangera	"	Assistant
20.	Mr. K. D. Toprani	"	Assistant
21.	Mr. V. N. Nathani	"	Assistant
22.	Mr. S. V. Dave	"	Assistant
23.	Mr. J. B. Vyas	"	Assistant
24.	Mr. G. B. Desai	"	Assistant
25.	Mr. H. V. Udeshi	"	Assistant
26.	Mr. M. M. Negandhi	"	Assistant
27.	Mr. P. J. Shoroff	"	Assistant
28.	Mr. T. K. Pednekar	"	Sub-staff
29.	Mr. B. R. Sakpal	"	Sub-staff
30.	Mr. R. R. Yadav	"	Sub-staff
31.	Mr. G. K. Ayare	"	Sub-staff
32.	Mr. K. A. Salian	"	Sub-staff
33.	Mr. K. K. Jamsheddekar	"	Sub-staff
34.	Mr. M. R. Simlarkar	"	Sub-staff
35.	Mr. M. V. Trivedi	"	Sub-staff
36.	Mr. P. C. Das	"	Sub-staff
37.	Mr. Gopal Keshavan	"	Sub-staff
38.	Mr. B. Balakrishnan	"	Sub-staff
39.	Mr. J. Kashi	"	Watchman

ANNEXURE 'D'

Dear Sir,

We are pleased to inform you that on and from.....you will be appointed in the services of our Company as an Assistant/Typist/Steno.....on the following terms and conditions:—

1. Remuneration:

Basic Salary (in the scale of Rs.)	Rs.
D.A. (including Addl. D.A.)	Rs.
H.R.A.	Rs.

2. You will be treated as a confirmed employee of the Company from the date of your joining our Company and will be governed by the Company's rules and regulations that may be in force from time to time.

3. Your services with the 'Jayabharat' will be taken into account for the purpose of Provident Fund, Gratuity, Promotion and date of increment.

However, all dues received by you in full from the 'Jayabharat' before or on your appointment with the 'New India' on account of Provident Fund and Gratuity will be adjusted from the dues that you may become eligible to receive on the same account from 'New India', and you will receive only the balance from 'New India'.

4. You will undergo such theoretical and practical training as may be required by the Company.

5. You will devote full time and attention to the services of the Company and discharge faithfully and honestly duties as are assigned to you from time to time.

6. You are liable to be transferred to any of the Company's offices in India.

7. Please return the duplicate copy of this letter of appointment, duly signed by you, to indicate that you have accepted all the terms and conditions mentioned therein.

Yours faithfully,

26th June, 1968.

Personnel

The General Secretary,

All India Federation of the New India Assee., Co. Ltd., Employees' Unions,
BOMBAY.

Dear Sir,

We refer to our discussion and have to record as follows :

You had represented that on the 'New India' appointing some members of the 'JAYABHARAT' staff in A and 3A grades the chances of promotion of the existing members of the 'NEW INDIA' staff would be affected adversely.

As a result of our discussion it has now been decided that vacancies for promotion to A grade and 3A grade arising out of resignations and retirement in the year 1968 and/or reorganisation, will when determined, be filled into the extent of 75 per cent from amongst the employees of the 'New India' who are in the confirmed employment as on 1st June, 1968, in conformity with the promotion policy of the Company.

We have also the pleasure to confirm that the Company will be pleased to declare vacancies for promotion to A grade and 3A grade in 1969 as per the practice of the Company.

Meanwhile, to ensure smooth working of the Company's administration the services of the 'JAYABHARAT' staff now being appointed in the Company's employment will be utilised having regard to their previous experience and suitability for the job instead of having recourse to new recruitment.

Yours faithfully,

Sd./- G. V. KAPADIA,

Assistant General Manager.

[No. 70(5)/65-LRIV.]

S.O. 4518.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2281, dated the 24th June, 1968, the banking industry carried on by a banking company as defined in clause (bb) of section 2 of the said Act, to be a public utility service for the purposes of the said Act, for a period of six months from the 29th June, 1968;

And whereas the Central Government is of the opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act for a further period of six months from the 29th December, 1968.

[F. No. 1/82/68-LRI.]

S.O. 4519.—Whereas by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2277, dated the 21st June, 1968, the Central Government, being satisfied that the public interest so required, had declared the industry for the supply of milk under the Delhi Milk Scheme to be a public utility service for the purposes of the Industrial Disputes Act, 1947 (14 of 1947), for a period of six months from the 22nd June, 1968.

And whereas the Central Government is of the opinion that public interest requires the extension of the said period;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a further period of six months from the 22nd December, 1968.

[F. No. 1/81/68-LRI.]

S.O. 4520.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad in the Industrial Dispute between the employers in relation to Motors Owners Insurance Company Limited, Calcutta and their workmen, which was received by the Central Government on the 6th December, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

SHRI NANDAGIRI VENKATA RAO, PRESIDING OFFICER

REFERENCE No. 4 OF 1968

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

PARTIES :

Employers in relation to the Motors Owners Insurance Co. Ltd., Calcutta

AND

Their Workmen

APPEARANCES :

For the employers—Shri N. B. Nag, Manager.

For the workmen—Shri Bhupendra Chandra Das, General Secretary, General Insurance Employees Association, Eastern Region.

STATE : West Bengal.

INDUSTRY : General Insurance.

Dhanbad, the 18th October 1968

AWARD

The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Motors Owners Insurance Co. Ltd. and their workmen,

by its order No. 25/8/68/LR.III, dated the 21st May, 1968 referred to the Central Government Industrial Tribunal (No. 2), Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the schedule annexed thereto. The schedule is extracted below

SCHEDULE

"Whether the demand of the General Insurance Employees' Association, Calcutta for the confirmation of the undermentioned two employees is justified? If so, to what relief are they entitled and from what date?

1. Shri Dilip Kumar Banerjee

2. Miss Kanan Acharjee."

2. Employers as well as the workmen filed their statements of demands.

3. Parties filed a compromise memo stating that the dispute involved in the reference has been settled to the complete satisfaction of the parties. The compromise memo is duly verified. Having gone through the terms of compromise, I consider them as fair and reasonable and beneficial to the affected workmen. The compromise is, therefore, accepted and the award is made in terms of the compromise. The compromise memo is annexed herewith and is made part of the award. The award is submitted under Section 15 of the Industrial Disputes Act, 1947.

(Sd./) N. VENKATA RAO,

Presiding Officer,

Central Government Industrial Tribunal (No. 2),

Dhanbad

BEFORE THE PRESIDING OFFICER, THE CENTRAL GOVERNMENT

INDUSTRIAL TRIBUNAL NO. (2), DHANBAD

SUBJECT: REFERENCE NO. 4 OF 1968

PARTIES:

Employers in relation to the Motor Owners Insurance Co. Ltd., Calcutta

AND

Their Workmen

The humble petition of the Motor Owners' Ins. Co. Ltd., Calcutta most respectfully sheweth :—

1. That the two employees concern, (1) Miss K. Acharyya and (2) Shri Dilip Kumar Banerjee were employed temporarily and their services were terminable at the pleasure of the Motor Owners' Company Ltd. subject to compliance of the provisions of the Industrial Disputes Act and the West Bengal Shop and Establishment Act.
2. That for various reasons the management was thinking of closing some Branch Offices and confirmation of the said two employees was delayed and on the contrary the management was thinking of retrenchment.
3. That for various reasons and in view of the coming changes that are likely to happen in relation to Motor Insurance Business the management does not consider it proper to oppose confirmation of the said employees henceforth.
4. The management will abide by any decision by the learned Tribunal in the light of the management's views as stated in paragraph 3 above.

(Sd./) N. VENKATA RAO,

Presiding Officer,

Central Govt. Industrial Tribunal (No. 2) Dhanbad.

Submitted.

I agree.

BHUPENDRA CHANDRA DAS, Genl. Secy.

(Sd.) N. B. NAG,

For The Motor Owners' Insurance Co. Ltd., Calcutta.
Branch Manager.

[No. 25/8/68/LR-III.]

(Department of Labour and Employment)

ORDERS

New Delhi, the 10th December 1968

S.O. 4521.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Ltd., Madras and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri M. Tajammul Hussain shall be the Presiding Officer, with headquarters at Madras and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

"Whether the Punjab National Bank Limited is justified in straightaway confirming certain temporary Godown Keepers, while giving a test to the other employees and putting them on probation after successful performance in the test? If not, to what relief are the employees entitled?"

[No. 23/11/68-LR.III.]

S.O. 4522.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Punjab National Bank Limited, and their workmen in respect of the matter specified in the Schedule hereto annexed:

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri P. P. R. Sawhny, shall be the Presiding Officer, with headquarters at Chandigarh, and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the demand of the Punjab National Bank Employees Union, Jullundur, for the grant of benefit of continuity of service from 19th May, 1966 to Shri D. P. Singh, Clerk-cum-Godown Keeper, Punjab National Bank Limited, Faridabad Branch is justified? If so, to what relief is he entitled?

[No. 23/80/68/LR-III.]

New Delhi, the 13th December 1968

S.O. 4523.—Whereas the Central Government is of opinion that an industrial dispute exists between the management of Hindustan Insecticides Limited, New Delhi and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the said dispute is also of such a nature that industrial establishment situated in more than one State are likely to be interested in, or affected by, such dispute;

And whereas the Central Government is of opinion that the dispute should be adjudicated by a National Tribunal;

Now, therefore, in exercise of the powers conferred by section 7B, and sub-section (1A) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a National Industrial Tribunal at Dhanbad of which Shri Kamla Sahai shall be the Presiding Officer and refers the said dispute to it for adjudication.

SCHEDULE

(1) Whether the workmen of the Hindustan Insecticides Limited are entitled to any bonus under the Payment of bonus Act, 1965? If not, what bonus is payable to the workmen of that Company for 1967-68 having regard to the working results of the Company for that year and the system in vogue in that Company.

(2) Whether the demand of the workmen for the grant of educational advances is justified? If so, to what relief are they entitled.

(3) Whether the demand of the workmen for the grant of special bonus for peak production is justified? If so, to what relief are the workmen entitled?

[No. 17/7/68-LR.III.]

O. P. TALWAR, Under Secy.

(Department of Labour & Employment)

New Delhi, the 11th December 1968.

S.O. 4524.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Messrs Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh), and their workmen, which was received by the Central Government on the 30th November, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR*Dated November 19, 1968*

CASE REF. NO. CGIT/LC(R)(24)

PRESENT:Sri G. C. Agarwala—*Presiding Officer.***PARTIES:**

Employers in relation to the management of M/s. Jhagrakhand Collieries (Private) Limited, Post Office Jhagrakhand Colliery, District Surguja (Madhya Pradesh)

Vs.

their workmen represented through (1) the General Secretary, M. P. Koyala Mazdoor Panchayat, P.O. Kurasia Colliery Distt. Surguja (M.P.) and (2) The General Secretary, M.P. Colliery Workers Federation, P.O. Jhagrakhand Colliery, Distt. Surguja (M.P.).

APPEARANCES:

For employers—S/Sri P. R. Nair, Secretary, Industrial Relations and G. R. Bhandari Group Personnel Officer of the concern.

For workmen—Sri Gulab Gupta, General Secretary, M. P. Colliery Workers Federation, P.O. Jhagrakhand Colliery.

2. Sri Hardeo Singh, General Secretary, M.P. Koyala Mazdoor Panchayat, P.O. Kurasia Colliery, Distt. Surguja (M.P.).

INDUSTRY: Coal Mine.**DISTRICT:** Surguja (M.P.).**AWARD**

By Notification No. 5/13/68-LR(II) dated 21st March, 1968, the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) Government of India referred the following matter of dispute as stated in the schedule to the order of reference to this Tribunal, for adjudication:—

Matter of Dispute

1. Whether the practice of paying underground allowance with leave wages was in vogue in North, South and West Jhagrakhand Collieries of Messrs Jhagrakhand Collieries (Private) Limited prior to implementation of the Central Wage Board Recommendations? If so, whether the management is justified to stop this practice? If not, to what relief are the workmen entitled?
2. Whether the management of North, South and West Jhagrakhand Collieries of Messrs Jhagrakhand Collieries (Private) Limited is justified in denying concession to its workmen as envisaged in Para 34 of Chapter XIII of the Recommendations of the Central Wage Board for the Coal Mining Industry? If not, to what relief are these workmen entitled?

2. M/s. Jhagrakhand Collieries (Private) Ltd. have 3 Collieries known as North, South and West Jhagrakhand Collieries in the district of Surguja (Madhya Pradesh). There is a single Agent for all the three Collieries. The management implemented the Wage Board recommendations by an office letter dated 18th October, 1967 with effect from 15th August, 1967 (Ex. M/1). While implementing the said recommendations regarding wages etc. the management discontinued the practice of paying underground allowance with leave wages as was in vogue in past. The management formerly had been taking into account underground allowance also as part of the wages when paying leave wages both in respect of privilege leave as also for sick leave. For festival holidays also underground allowance was treated as part of the wages for underground workers. Sick khoraakee was also being paid to workers on the basis of an agreement with a union, Chattishgarh Colliery Workers Federation dated 7th December, 1960 (Ex. E/2). This discontinuance of payment of

underground allowance as part of wages for leave and holidays as also sick khorakee is assailed by the unions as unjustified and unilateral change in contravention of Sec. 9A I.D. Act. The Wage Board in its report Vol. I paragraph 34 classified the entitlement of railway fare and as the basic pay had been consolidated and revised, suitable adjustments were made in the salary slabs for the entitlement. The management has not accepted this part of the recommendation and is continuing with the old practice for the entitlement to the payment of railway fare to workers proceeding home on leave. This part of the non-implementation of the Wage Board report contained in para 34 Chapter XIII of the recommendations is also assailed by the unions. From the conciliation failure report, it however, appears that M. P. Koyala Mazdoor Panchayat presented a charter of 18 demands with the strike notice from 1st March, 1968. Demand No. 9 related to underground allowance with leave wages and demand No. 18 to the train fare. As a matter of fact, the reference resulted in failure report of conciliation between the management and this Union and the strike was prohibited by an order dated 21st March, 1968. The other two unions M.P. Colliery Workers Federation and Azad Koyala Shramik Sangh were also made parties by the Central Government on the ground that they had also raised similar disputes which were pending before the conciliation machinery as is found stated in the conciliation failure report. The Azad Koyala Shramik Sangh, however, remained absent. The other two unions, M. P. Koyala Mazdoor Panchayat and M.P. Colliery Workers Federation contested and filed written statements and so did the management. Rejoinders were also filed by the management and M.P. Koyala Mazdoor Panchayat. The management has raised some preliminary objections to the reference. It was contended that issues under reference are such which affect the industry as a whole and involve questions of national importance. As such, the Central Government should have made a reference to the National Tribunal which is constituted under Sec. 7B I.D. Act. It is further stated that by making a reference only with regard to the collieries of this management, the action of the Central Government is discriminatory and is violative of Article 14 of the Constitution. It is also stated that in making the reference the Central Government did not apply its mind to the facts of the case and made the reference mechanically. The Government knew that similar disputes were in existence in other collieries of the area but on extraneous considerations and political pressure the reference was made and the conciliation machinery was not allowed to function effectively. All these objections are of no avail. This Tribunal is concerned with its own jurisdiction which is derived under Sec. 10(1) I.D. Act only if there is an industrial dispute either in existence or apprehended. It is not concerned with the conduct of the Central Government. If an industrial dispute existed and undoubtedly it exists in this case, the Tribunal would have jurisdiction in case a proper reference has been made under Sec. 10(1) I.D. Act. All these grounds which the management has contended may be available to it in writ proceedings before the Hon'ble High Court or Supreme Court for quashing the order of reference, but it is not open to this Tribunal to consider these contentions.

3. For Issue No. 2 under reference, it was stated that it is not covered by the Third Schedule of the Act. This is not strictly so. Item No. 2 of Third Schedule deals with compensatory and other allowance. Payment of railway fare is an allowance and included in this item. Apart from this, Item No. 6 in Second Schedule relates to all matters other than specified in the Third Schedule. The appropriate Government is competent to make a reference to a tribunal if it relates to any matter specified in the Second or Third Schedule.

4. Coming to the merits of the first issue which relates to the payment of underground allowance with leave wages, it may be noted that the reference deals with leave wages and not wages for holidays. Consequently, payment of wages with underground allowance for festival holidays cannot be adjudicated in this reference as leave and holidays have different connotations. When the reference deals with leave only, no determination for holidays is possible. For this no authority is needed but reference, if at all necessary, may be made to observations of the Hon'ble Supreme Court in Delhi Cloth Mills Chemical Works, Delhi v. Its workmen reported in 1962-I-LLJ p.388. Sick khorakee also will not be covered by the reference. The only subject which will have to be enquired into would be with regard to leave, both earned leave and sick leave. It has been contended on behalf of the management that sick leave also is not covered under reference and in this connection it is stated that the M.P. Koyala Mazdoor Panchayat had not raised this subject in conciliation. The demand appended in the conciliation failure report, item No. 9, merely states that underground allowance with leave wages had been stopped. The expression is wide enough to cover all kinds of leave wages, namely earned leave and sick leave, and there are no words of any restrictive expression so as to confine the demand for earned leave only. Consequently, the issue under reference would be treated to cover the matter of leave wages, both earned and sick leave.

5. It is admitted on behalf of the management that underground allowance was being paid both on earned leave and sick leave. For earned leave, the statement was made on the hearing rendered on 23rd September, 1968 and for sick leave on the next hearing dated 29th October, 1968. For stopping this, the management contended that they had

been doing so under a mistake and since there was no specific direction in the Wage Board report they have stopped the payment of underground allowance on leave wages. There is absolutely no justification for the management to do so. In Vol. I Chapter XVIII page 165 para 10, the Wage Board made the following observations:—

“As we have stated earlier, our recommendations on each issue are the minimum below which no colliery management shall be permitted to go. All existing higher and better rates of wages, allowances and emoluments and other service conditions, facilities and amenities which are more favourable than those recommended by us shall be protected. We also hope that managements of collieries where such better conditions prevail will continue to give lead towards higher levels of wage. Although new entrants will be governed by our recommendations we hope that such employers will offer them the higher emoluments prevailing in their establishments.”

The Wage Board therefore protected all existing higher emoluments and allowances. It cannot therefore be said that the management could unilaterally stop this allowance just because the underground allowance in their opinion is meant to be payable for actually rendering underground work. There is no evidence that this allowance has been withheld for leave wages by other collieries in the region if that was being paid by any colliery. The first issue under reference therefore must be ordered against the management and it will have to be held that the management was not justified to stop the practice of payment of underground allowance with leave wages.

6. Coming to the second issue under reference, the Wage Board in para 34 Chapter XIII page 131, Vol. I, made the following recommendations:—

“There is one other matter which we have to deal with. The classes by which the workmen are entitled to travel home while on leave is determined on their present basic pay which as laid down in the Model Standing Orders for the Coal Mining Industry is as follows:—

- (i) If his basic wage is Rs. 70 p.m. or less—III Class.
- (ii) If his basic wage is more than Rs. 70 p.m. but less than Rs. 150 p.m.—II Class.
- (iii) If his basic wage is Rs. 150 p.m. or more—I Class.

As has been stated in an earlier chapter of this Report we are consolidating the wages of the workmen at index No. 166 which has increased the basic wages of the workmen substantially. Therefore, as a necessary consequence, we will have to make suitable adjustments in these salary slabs. We have carefully considered this matter and recommend as follows:—

If the workmen's basic wage is Rs. 165 or less p.m.—III Class.

If the workmen's basic wage is above Rs. 165 and upto Rs. 265 p.m.—II Class.

If the workmen's basic wage is above Rs. 265 p.m.—I Class.

The management has not accepted the recommendation of the salary slabs for payment of railway fare and is adhering to the old basis. It is first contended that the terms of reference to the Wage Board did not cover the question of railway fare and the recommendation of the Wage Board was beyond its jurisdiction. It is unnecessary to consider this aspect of the matter inasmuch as recommendation of the Wage Board has no statutory force. The observations whether within the terms of reference or beyond the terms are merely recommendatory. The Wage Board was comprised with members representing both employers and employees. In respect of unanimous recommendations agreed both by representatives of employers and employees, it represents the best form of collective bargaining. It may be noted that the recommendation about the railway fare was unanimous and there was no note of dissent by any representative of the employers. The Government accepted the recommendation. As such, the employers cannot be heard now to say that the recommendation was beyond the terms of reference. The management next contended that the recommendation was arbitrary and contained an obvious flaw. It is stated that in the Mazumdar Award daily rated workmen were divided into 10 categories and with the basic wage slab, categories I to VIII were entitled to III Class railway fare and only category IX & X were entitled to II Class railway fare. The Wage Board has compressed the old 10 categories into 6 new categories and categories I to VIII of the Mazumdar Award are now placed in categories I to V and only new category VI was entitled to II Class. Instead of fixing the entitlement on category basis, the recommendation fixed salary slabs, the effect of which would be that more persons would be entitled to higher class railway fare although belonging to lower category. The management filed certain calculation sheets (Ex. E/3 and E/4) in this respect. In the written statement para 12, it was stated that daily rated workers under category I to V after a few years service would be entitled to II Class fare and similarly there would be an anomalous position as a mining sirdar in grade D would be entitled to 1st Class fare on his getting

salary beyond Rs. 265/-, while an Overman enjoying higher rank but getting Rs. 245/- in grade C would only be entitled to II Class fare. In clause (c) the management gave figures to indicate that by implementing the Wage Board recommendation they will have to pay II and I Class fare to more workers than they had hitherto been paying under Majumdar Award. There is no ground to refuse higher class fare just because under the recommendation of the Wage Board more persons would be entitled to higher class fare. The Wage Board prescribed a certain standard on the basis of wages and the Majumdar Award under which railway fare was being paid also prescribed the basis as basic wages. The Wage Board made no departure in this respect. If by any calculation a lower basis has been fixed for entitlement of higher class, the employer's representative could have objected to the recommendation which had not been done. The recommendation on this point also was unanimous and represents an agreement on the basis of collective bargaining. The management of these collieries cannot be permitted to take advantage unilaterally when they had accepted the recommendations of the Wage Board in other aspects as is clear from their circular Ex. W/1. They cannot be permitted to make a departure and not accept the Wage Board recommendation in the matter of payment of railway fare.

Decision.

1. The result is that both the issues under reference are answered against the management. For Issue No. 1, it must be held that there was a practice of paying underground allowance with leave wages in vogue in North, South & West Jhagrakhand Collieries prior to implementation of Central Wage Board recommendations and the management is not justified to stop this practice. The workmen are entitled to receive underground allowance with leave wages both for earned and sick leave from the date from which it has been stopped.

2. For Issue No. 2, the management is not justified in denying concession to its workmen as envisaged in para 34 of Chapter XIII Vol. I of the recommendations of the Central Wage Board for the Coal Mining Industry. The workmen are entitled to the concession from the date from which the management agreed to implement the recommendation namely 15th August, 1967.

3. Both the Unions, M.P. Koyala Mazdoor Panchayat and M.P. Colliery Workers Federation, shall be entitled to Rs. 50/- each from the management as costs of the proceedings.

G. C. AGARWALA, Presiding Officer.

19-11-1968.

[No. 5/13/68-LRII.

New Delhi, the 12th December 1968

S.O. 4525.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 1), Dhanbad, in the industrial dispute between the employers in relation to the Kharkharce Colliery of Messrs Bharat Mining Corporation Limited, Post Office Kharkharce, District Dhanbad and their workmen, which was received by the Central Government on the 7th December, 1968.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DHANBAD

In the matter of a reference under section 10(i)(d) of the Industrial Disputes Act.

REFERENCE NO. 3 OF 1968

PARTIES:

Employers in relation to Kharkharce Colliery, P.O. Kharkharce (Dhanbad).

AND

Their Workmen.

PRESENT:

Shri Kamla Sahai—Presiding Officer.

APPEARANCES:

For the Employers—Shri S. S. Mukherjee, Advocate.

For the Workmen—None.

STATE: Bihar.

INDUSTRY: Coal.

Dhanbad, dated the 2nd December, 1968

AWARD

By order No. 2/152/67-LRII dated the 30th December, 1967, the Central Government, in the Ministry of Labour, Employment and Rehabilitation, has made this reference to this Tribunal for adjudication of an industrial dispute described in the schedule as follows :—

SCHEDULE

“Whether the action of the management of Kharkharee Colliery of Messrs Bharat Mining Corporation Limited Post Office Kharkharee, District Dhanbad in transferring Sarvashri Bhukhal Rajwar, Sobrati Mian, Lakhiram Bouri, Moti Bouri, Mining Sirdars and Khokha Mia, Engine Khalasi from Kharkharee Colliery to Babisole Colliery with effect from the 14th December, 1966 was justified? If not, to what relief are the workmen concerned entitled?”

2. The management's case is that Kharkharee Colliery and Babisole Colliery are both owned by one Company namely M/s. Bharat Mining Corporation Limited. The five workmen in question were employed and were working in Kharkharee Colliery No. 29 incline of that colliery was closed sometime in December of 1966. After the closure, the Director (M.W. 1) issued an order (Ext. M) for transfer of 13 persons including the five persons concerned in this reference from Kharkharee Colliery to Babisole Colliery. This order was issued on the 14th December, 1966 and time was given to the workmen to join at Babisole Colliery by the 19th December, 1966. The five workmen in question did not join at Babisole as directed in the order.

3. Further allegation of the management is that the five concerned workmen made a representation dated the 21st February 1967 to the Director that they should be allowed to join in incline No. 23 which had recently been opened. The Director gave them a reply (Ext. M2) dated the 24th February, 1967, saying that old surplus hands had mostly been employed and that the concerned workmen could not be accommodated. He further said that they had come to him in a body on 20th February, 1967 and had agreed to go and join at Babisole Colliery. They should accordingly join there.

4. By a representation (Ext. M3) dated the 4th March 1967, the concerned workmen asked for retrenchment compensation but the Director gave them a reply to the effect that they were required at Babisole Colliery and that they should join there on or before 20th March, 1967.

5. The Director has examined himself as M.W.1. He has proved the above facts and the above documents. He has also proved Ext. M 5, an extract of para 17 of the certified standing orders which lays down that workmen are liable to be transferred from one coal mine to another coal mine under the same ownership. M.W. 1 has not been cross-examined because no one has appeared on behalf of the union or the workmen.

6. It is abundantly clear from Ext. M 5 that transfer of workmen from one coal mine to another can be effected validly without affecting their service conditions. This has been done in the present case and it is quite clear that the transfer order is perfectly valid.

7. In the circumstances mentioned above, my answer to the first question put in the schedule is that the transfer with effect from the 14th December, 1966 of the five workmen named in the schedule was justified. The second question does not, therefore, arise for consideration.

8. This is my award. Let it be submitted to the Central Government under section 15 of the Industrial Disputes Act, 1947.

(Sd/-) KAMLA SAHAI,

Presiding Officer.

[No. 2/152/67-LRII.]

New Delhi, the 13th December 1968

S.O. 4526.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 3), Dhanbad, in the industrial dispute between the employers in relation to the Bhowrah Colliery, Post Office Bhowrah, District Dhanbad and their workmen, which was received by the Central Government on the 3rd December, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 3) AT DHANBAD.

REFERENCE No. 90 OF 1968

PRESENT :

Shri Sachidanand Sinha, Presiding Officer.

PARTIES :

Employers in relation to the Bhowrah Colliery.

Vs.

Their workmen.

APPEARANCES :

For employer—Sri B. M. Lall, Personnel Officer,

For workmen—Sri B. P. Tripathi, Secretary, Khan Mazdoor Congress, Bhowra.

INDUSTRY: Coal.

STATE: Bihar.

Dhanbad, dated the 28th of November, 1968.

AWARD

1. The Central Government, being of opinion that an industrial dispute exists between the employers in relation to the Bhowrah Colliery, P.O. Bhowrah, District—Dhanbad and their workmen, by its order No. 2(76)/66-LRII dated the 24th of February, 1967 referred to the Central Government Industrial Tribunal, Dhanbad under Section 10(1)(d) of the Industrial Disputes Act, 1947 for adjudication the dispute in respect of the matters specified in the Schedule annexed thereto. The Schedule is extracted below:

SCHEDULE

"Whether the suspension of Sarvashri Motichand Kurmi and Ram Daresh Kori, Pick Miners from the 20th January, 1966 to the 26th January, 1966, by the management of Bhowrah Colliery was justified? If not, to what relief are the workmen entitled?"

2. The Central Government Industrial Tribunal, Dhanbad registered the reference as reference No. 23 of 1967 on its file. While it was pending before the Central Government Industrial Tribunal, Dhanbad, the proceeding was transferred by the Central Government's Order No. 8/25/67-LRII dated the 8th of May, 1967 to the Central Government Industrial Tribunal No. 2, Dhanbad where it was numbered as reference No. 220 of 1967. The Central Government by its subsequent Order No. 8/71/68-LRII dated the 13th of August, 1968 transferred the dispute to this Tribunal where it has been re-numbered as reference No. 90 of 1968.

3. The parties negotiated the dispute and have settled it amicably. They have filed a compromise petition at Annexure "A". According to the terms of compromise the suspension of workmen Sarvashri Motichand Kurmi and Ram Daresh Kori, Pick Miners, without wages, is reduced from 6 days to 3 days and in compliance thereof the concerned workmen have already been paid their respective wages. Considering the terms of compromise it shall have to be held that the compromise is reasonable. I accept the same and pass an award in terms of the joint petition of compromise Annexure "A" which shall form part of the award. The award may now be submitted to the Central Government under Section 15 of the Industrial Disputes Act, 1947.

Sd/- SACHIDANAND SINHA,

Presiding Officer,

Central Govt. Industrial Tribunal-cum-Labour Court No. 3,

Dhanbad.

28-11-1968

"ANNEXURE 'A' "

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 3,
DHANBAD.

In the matter of Reference No. 20 of 1968.

(REFERENCE NO. 220 OF 1967, TRIBUNAL NO. II)

PARTIES :

Employer in relation to Bhowra Colliery of Bhowra Kankanee Collieries Ltd. P.O. Bhowra, Distt. Dhanbad.

AND

Their workmen represented by the Khan Mazdoor Congress, P.O. Bhowra, Distt. Dhanbad.

Joint application on behalf of parties for compromise. The parties above named beg to submit as under :

That the Government of India, Ministry of Labour and Employment vide their letter No. 2(76)/68-LR-II of 24th February, 1967, referred the following dispute to Central Government Industrial Tribunal No. 2, Dhanbad for adjudication and the same was referred as Ref. No. 220 of 1967, subsequently the said Ref. was transferred to Tribunal No. 3, Dhanbad, and was re-numbered as Ref. No. 90 of 1968.

That the parties have compromised the dispute as the following terms:

- (a) That Sarv Sri Moti Chand Kurmi and Ram Daresh Kori have admitted their faults.
- (b) That with a view to maintain cordial relationship with the workers, the said period of suspension without wages for 6 days is reduced to 3 days each.
- (c) That the concerned workmen have been paid the wages for three days in compliance of this settlement.

3. That the above-mentioned terms of settlement may kindly be held as reasonable and justified and award passed accordingly.

4. That the parties would bear their own costs.

Therefore, it is prayed that the above-mentioned dispute may kindly be treated as settled award passed accordingly.

And for that act of kindness your petitioners as in duty-bound, shall every pray.

For workmen,

For Employers.

B. P. TRIPATHI,

B. M. LALL,

KHAN MAZDOOR CONGRESS

BHOWRA COLLIERY,

Affiliated I.F.M.W.

P. O. Bhowra,

P.O. Bhowra (Dhanbad).

Distt. Dhanbad.

[No. 2/76/66-LR-II.]

the 24th October, 1968.

S.O. 4527.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Newton Chickli Colliery, Post Office Parasla, District Chhindwara (Madhya Pradesh) and their workmen, which was received by the Central Government on the 3rd December, 1968.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR.

Dated 21st November 1968

PRESENT :

Sri G. C. Agarwala—*Presiding Officer.*

CASE REF. NO. GCIT/LC(R)(29) OF 1968

PARTIES :

Employers in relation to the management of Newton Chickli Colliery, Post Office Parasla, District Chhindwara (Madhya Pradesh)

Versus

Its workmen represented through Satpura Koyala Khadan Mazdoor Congress, P.O. Jhunnardeo, District Chhindwara (M.P.)

APPEARANCES :

For Employers—S/Sri B. C. Sanghi, Personnel Officer and D. P. Dabral, Group Personnel Officer.

For workman—S/Sri Ram Narayan Singh and A. R. Farooqui of Satpura Koyala Khadan Mazdoor Congress.

INDUSTRY : Coal Mine

DISTRICT : Chhindwara (M.P.)

AWARD

By Notification No. 5/12/68-LRII dated 5th April, 1968, the Ministry of Labour, Employment & Rehabilitation (Department of Labour & Employment), Government of India, referred the following matter of dispute as stated in the schedule to the order of reference, to this Tribunal for adjudication:—

Matter of Dispute

Whether the action of the management of Newton Chickli Collieries (Private) Company Limited, Post Office Parasia, District Chhindwara (Madhya Pradesh) in terminating the term of apprenticeship and the services of Shri Narendra Nath Sharma, Mining Apprentice, was justified? If not, to what relief is the workman entitled?

2. Sri Narendra Nath Sharma was an Apprentice workman with the employers, the management of Newton Chickli Colliery, P.O. Parasia, presumably from 1959. The present management took over the Colliery from the past employers in 1965. Sri Narendra Nath Sharma continued to remain as an Apprentice. Under the classification of workman as defined in Standing Order Cl. 3(a) apprentice is also included and is defined under Cl. 3(f) is a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall *inter-alia* be specified in his term of contract. There is no written contract in regard to his appointment as an apprentice nor is there any evidence of the emoluments he had been getting since 1959. Shri Narendra Nath Sharma, to be hereinafter called Sharma, passed his Mining Sirdar's Certificate Examination as alleged by him on 19th July, 1966. He continued to remain an apprentice and passed the Overman's Certificate Examination of the Mining Department on 2nd December, 1967. The management by a letter dated 12th April, 1967 offered an appointment of Mining Sirdar to Sharma on a starting basic salary of Rs. 180/- plus perquisites as per Wage Board recommendations. This offer as stated by the Office Superintendent of the management, Sri R. R. Gopalan (E.W. 1), was conveyed to two persons by means of letters dated 4th December, 1967 and 7th December, 1967, namely to Sri Narendra Nath Sharma as also to Sri V. J. Chetty. Sri Chetty accepted the offer but not Sri Sharma. The management thereupon terminated the services of Sharma by termination order dated 5th January, 1968 (Ex. W/10). The letter reads as follows:—

"This is to draw your kind attention to our memos. Dated 4th December, 1967, 7th December, 1967, 8th December, 1967, 18th December, 1967 and 26th December, 1967. The management is sorry to note that you have not acted according to the directions issued to you from time to time.

The management takes this opportunity to recall that you had been given an opportunity to receive training on the understanding that you would be serving the company for at least three years on your qualifying after the training. You have been offered the job of a Mining Sirdar as soon as the management was made aware of it. You have refused to take the appointment as directed and you are thus liable to pay back all the moneys which have been incurred on you during the period of your training.

The management thus reserves its right to take necessary steps for recovery of these amounts.

Besides you have not vacated the company's quarter provided to you as directed. While the management could be taking the requisite steps to get the same vacated, please note that you shall be liable to pay the damages in terms of the loss suffered by the management in this behalf. You are hence once again directed to your own interest to vacate the said quarter immediately."

On termination of his services Sharma took the case in conciliation under Sec. 2A of I.D. Act which in due course has resulted in this reference.

3. In the written statement filed by Sharma, it is complained that although he had passed Overman's examination yet the management only offered him the appointment of Mining Sirdar. It is further contended that the management had no right to terminate the employment merely because he had refused to accept the offer of mining sirdar and the action of the management amounts to victimisation. The management in the written statement maintained that Sharma was merely an apprentice and his services could be terminated on completion of the training. The management *bonafide* under Cl. 13 of the Certified Standing Orders terminated his services. It was alleged that Sharma was not at all willing to accept the offer of a Mining Sirdar, and as there was no post of Overman available, the management in *bonafide* exercise of the powers of discharge terminated his services. There was no motive of victimisation.

4. On behalf of the management a preliminary objection was also taken in the written statement that Section 2A of I.D. Act is *ultra vires* the scheme of the said Act and therefore the reference is bad. It is not for this Tribunal to determine the vires or otherwise of any provision of the Act, for which the forum is different. The plea was also not pressed at the stage of arguments and deserves no serious attention.

5. On merits, the first question to be examined is whether the offer of the management dated 4th December 1967 was conveyed before Sharma had actually passed the Overman's Examination. In this connection Sharma stated in his evidence that he came to know of the result of Overman's Certification examination in a newspaper named New Sketch but on which date he did not remember. He might or might not have come to know of the result before 4th December 1967 but the fact remains that the application (Ex. E/1) which is purported to be dated 2nd December 1967 and was actually tendered on 8th December 1967 as stated by Sri R. R. Gopalan (E. W.1). He had specifically mentioned with regard to the offer dated 4th December 1967 that he was "desirous to serve only as an Overman." The date 2nd December 1967 is clearly antedated because this application is the result of the offer dated 4th December 1967 coupled with letter dated 7th December 1967 of the management offering him the post of a Mining Sirdar. There could be no occasion for him to apply for the post of Overman. A copy of this application was filed on behalf of Sharma as Ex. W/1 and significantly the material word "only" has been omitted in the copy. For the passage "I am desirous to serve here only as an Overman" the passage in the copy has been wrongly mentioned as "and I am desirous to serve the company under your kind control". This is evidently a deliberate attempt to conceal the true fact on the part of Sharma. He cannot be believed that he had actually tendered the application on 2nd December 1967 before the offer of the Mining Sirdar was made on 4th December 1967. Had it been given earlier, in the ordinary course, there would have been some mention of the application in the offer dated 4th December 1967 and reminder dated 7th December 1967. The evidence of Sri Gopalan, therefore that he found the application on his table on 8th December 1967 and he recorded the endorsement that it should come through proper channel (Ex. E/1A) was made by him and he returned back the application to the person who had brought it. After lunch interval, he found the application again on his table and therefore it was placed before the Agent for orders. The endorsement of the date 8th December 1967 (Ex. E/1B) was made before returning the application when he first received it. Sharma again made wrong statements about leave applications. He stated that he fell ill and therefore he could not reply to letters dated 4th December 1967 and 7th December 1967 in regard to the offer of appointment for mining sirdar. As adverted to earlier, he had received these offers earlier before he submitted the application (Ex. E/1) on 8th December 1967 antedating it as 2nd December 1967. He stated that he fell ill and therefore he sent leave application dated 5th December 1967 (Copy Ex. W/3) and which was sent through Shri O. P. Mehta, Pits Manager. He stated that he went away to Chhindwara for treatment sending application dated 8th December 1967 (Copy Ex. W/4). He did not seem to have sent application at all as the Labour Welfare Officer, Sri B. C. Sanghi, has stated that no application was received from Sri N. N. Sharma in December, 1967. Sharma himself filed a copy of a communication of the management dated 18th December 1967 (copy Ex. W/6) in which the Agent communicated to Sharma that since the offer of the Mining Sirdar was not acceptable to him therefore it stands withdrawn. Evidently this has a reference to the application of Sharma (Ex. E/1) purported to be 2nd December 1967, but actually handed on 8th December 1967 and wherein he had intimated that he was willing to serve only as an Overman. In his reply dated 28th December 1967 (Copy Ex. W/7) Sharma challenged the right to terminate the services as an Apprentice, but did not controvert the fact that he had declined the offer for the post of Mining Sirdar. When his services were actually terminated by letter dated 5th January 1968 Sharma sent a communication to the Agent dated 10th January 1968 (Ex. W/11). In this he claimed that although he had been designated as an Apprentice, he was actually a workman and could not be compelled to accept the offer of Mining Sirdar after he had passed the Overman's Examination and that he had a right for the post of an Overman. From all what has been enumerated above, it is clear that Sharma was not prepared to accept the offer of the management for the post of Mining Sirdar.

In his statement, he stated that he had objection to the probation period prescribed by the appointment letter for the post of Mining Sirdar and to the extra condition attached that his services were liable to termination without any reason. He did not categorically state that he was willing to accept the offer of the Mining Sirdar, if these two conditions had been withdrawn. Obviously, all this is an after thought. He had not stated these facts in his last communication dated 10th January 1968 nor in any of his previous communications. The fact remains that he was not prepared to accept the post of the Mining Sirdar and was willing to serve the management only if he was offered the post of an Overman. There was no post of an Overman available with the management at that time as stated by Sri B. C. Sanghi, Personnel Officer. Only very recently one overman has been appointed. There is no statement to the contrary by Sharma. He admitted in cross-examination that no appointment of overman was made at that time and he did not know about the position later on. The necessary inference, therefore, is that there was no Overman's post available at that time.

6. With the above finding the next question which arises for consideration is whether even though Sharma declined to accept the offer of a Mining Sirdar, the management in law and equity had a right to terminate his services. For this it is first necessary to delve into the question of the right concept of the term "apprentice".

7. The Industrial Disputes Act while including an "apprentice" in the definition of "workman" as stated in Sec.2(s) has not defined an "apprentice". The Certified Standing Orders of this Colliery as stated already has defined in Clause 3(f) An 'Apprentice' is a learner who is either paid an allowance or not paid any allowance during the period of his training, which shall inter-alia be specified in his term of contract". This definition in the Certified Standing Orders is in line with the definition stated in the Model Standing Orders. The Apprenture Act 1961 has expressed "apprentice" under Sec.(2) with it inclusive definition as under:—

"'Apprentice' means a person who is undergoing apprenticeship training in a designated trade in pursuance of a contract of apprenticeship". The dictionary meaning of "apprentice" is also in similar terms. In Cassell's New English Dictionary 15th Edn. as a noun, apprentice has been expressed as a person "bound by indentures to serve an employer for a term of years in order to learn some trade or craft which the employer agrees to teach; a learner, a tyro, a novice". The same is the meaning expressed in Concise Oxford Dictionary 5th Edn. Whitley's Law Dictionary 6th Edn. states apprentice as "one who is bound by deed indented, or indentures to serve his master and be maintained and instructed by him". From all these expressions, it is clear that apprentice is essentially a learner for a particular trade or grade and as such has no right on his master to claim an employment after the training is over. In the Manual of Law Terms and Phrases by R. Mitra, 1964 Edition, the expression "apprentice" with reference to two foreign cases has been stated as under :—

"An apprentice is a person bound to and who serves another for the purpose of learning something which the other is to teach him (14 East 514).

A person bound by indentures of apprenticeship to a tradesman or artificer who covenants to teach him his trade or mastery. The master is bound to instruct his apprentice and to make him master of the art so far as his capacity to learn will permit. If the master dies or becomes a bankrupt or abandons the trade, the obligation of the apprentice is at the end-Wharton."

A study of the Halsbury's Laws of England and the English and Empire Digest published by Butterworth & Co. with reference to various reported cases also leads to the same inference that an apprentice being a learner has no right of his own to claim employment after the completion of training unless of course covenanted otherwise. As stated already, there is no written contract indicating the terms on which Sharma was taken as a mining apprentice. As admitted by him in cross-examination, he was initially a Survey Apprentice and on his own request was taken in as Mining Apprentice. He further admitted that he was transferred as Mining Apprentice with effect from 8th May, 1962 and he was getting his pay thereafter as an apprentice workman. When Sharma declined to accept the offer of the Mining Sirdar, the management by letter dated 18th December, 1967 (Copy Ex. W/6) clearly intimated that since he had completed the requisite training under Coal Mines Regulations therefore the term of apprentice stood terminated. The management, however, offered the post of Mining Sirdar which was not acceptable and therefore the offer was withdrawn. In termination order dated 5th January, 1968 (Ex. W/10) paragraph 2 of which the workman himself relied instead of supporting him clinches the matter against him. It is specifically stated in the second paragraph that the management agreed to give him training on the understanding that he would be serving the company for at

least three years on his qualifying after the training. Since he had refused to accept the job of a Mining Sirdar which was offered as soon as the management came to know about it, he was liable to pay all the money spent and received by him during the period of his training. In his reply (Ex. W/11) dated 10th January, 1968 although he denied that he bound himself to serve for three years his main complaint against the management was that since he had passed Overman's examination he had a right to get the job of Overman and not as a Mining Sirdar. In his oral deposition Sharma has not stated anything specifically that by any contract management was bound to keep him and could not terminate the services. Consequently, from connotation of the expression "apprentice" which is not an expression of art, but has to be understood in its ordinary etymological meaning, it would follow that the management after completion of period of training was entitled to terminate the continuance of the employment as an "apprentice". Whether Sharma was bound to serve or not when required by the management to serve for three years is not a material part to be considered in this case. The question of law posed in this case is whether the employers had a right to terminate the employment of an apprentice after the training was over and this appears to be a right which an employer inherently has in him when taking a person as an apprentice in employment. So far so on the abstract proposition of law.

8. On grounds of equity also, Sharma has no claim. He had never been willing to accept the appointment as a Mining Sirdar. That was the only vacancy which was available with the management and was offered. He clearly declined the offer by communication (Ex. E/1) which he antedated as 2nd December, 1967 but actually tendered on 8th December, 1967 after the offer had been made. He was anxious only to be appointed as an Overman and misconceived himself that by passing Overman's Certificate Examination, he had a right to be appointed as an Overman even though there be no post available with the management. As stated by Sri Gopalan (E.W.1) there were two posts of Mining Sirdars available and Sharma and Chhetty were offered appointment simultaneously, Chhetty accepted the offer but not Sharma. Sharma, therefore, has to thank himself for bringing about this result. Under Clause 13 of the Standing Orders, the management has a right to terminate the services by discharge which was exercised in a *bonafide* manner. It may casually be mentioned that from 1st of June, 1968 as admitted by Sharma, he is already an Overman with another employers, namely M/s. Shaw Wallace & Co. in Panch Valley. Assuming that he had a claim for appointment which he had none left with this employer, question of reinstatement would not arise at all as he is already better placed with an assignment of Overman which he secured within six months of his leaving the employers.

Decision

The result is that there is no merit in the claim. The issue under reference is answered in negative. The workman concerned is not entitled to any relief. No order for costs.

(Sd.) G. C. AGARWALA,
Presiding Officer.

21-11-1968,

[No. 5/12/68-LR.II.]

(Department of Labour and Employment)

ORDERS

New Delhi, the 11th December 1968

S.O. 5428.—Whereas the Central Government is of opinion that an industrial dispute exist between the employers in relation to the management of Patmohana Colliery of Messrs Patmohana and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Patmohana Colliery owned by Messrs Patmohana and Bharatchak Collieries Private Limited, Post Office Sitarampur, District Burdwan, was justified in dismissing Shri Lalbacha Singh, Munshi, from service with effect from the 6th August, 1968? If not, to what relief is the workman entitled?

[No. 6/98/67-LRII.]

S.O. 4529.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Pootkee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Kusunda, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal (No. 3), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Pootkee Colliery of Messrs Bhowra Kankanee Collieries Limited, Post Office Kusunda, District Dhanbad, was justified in stopping the payment of Sirdari Commission of the following 23 miners Sirdars with effect from 5th February, 1968—

List of working Sirdars of Pootkee Colliery :

	Working Sirdar
1. Sri Jhuri Chamar	do.
2. Sri Sechan Chamar	do.
3. Sri Jagdish Singh	do.
4. Sri Ram Kripal Pashi	do.
5. Sri Bishram Chamar	do.
6. Sri Raghunath Pashi	do.
7. Sri Bhikan Mahato	do.
8. Sri Bhulan Jaswara	do.
9. Sri Niranjana Chamar	do.
10. Sri Motilal Chamar	do.

List of non-working Sirdars of Pootkee Colliery :

	Non-working Sirdar
11. Sri Balkrishna Pashi	do.
12. Sri Ackloo Turi	do.
13. Sri Bahadur Turi	do.
14. Sri Etwari Rai	do.
15. Sri Sarjoo	do.
16. Sri Bunu Bose	do.
17. Sri Banshi Ahir	do.
18. Sri Kanai Gore	do.
19. Sri Jamuna Singh	do.
20. Sri Jamaluddin	do.
21. Sri Hussain	do.
22. Sri Kasim	do.
23. Sri Chaito Bhowia	do.

If not, to what relief are these workmen entitled?

[No. 2/136/68-LRII.]

S.O. 4530.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Ballarpur Collieries, Post Office Ballarpur, Tehsil and District Chandrapur (Maharashtra) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government

hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, Jabalpur, constituted under section 7A of the said Act.

SCHEDULE

Whether the resignation letter from Shri Adlur Balla Malu, Loader, was obtained fraudulently by the management of Ballarpur Colliery, Post Office Ballarpur? If so, to what relief is the workman entitled?

[No. 3/11/68-LRII.]

New Delhi, the 12th December 1968

S.O. 4531.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bhowra Colliery of Messrs Karamchand Thapar and Brothers (Private) Limited, Post Office Bhowra, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal (No. 2), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Bhowra Colliery of Messrs Karamchand Thapar and Brothers (Private) Limited, Post Office Bhowra, Dhanbad in, altering the designation of the following six Senior Overmen and showing them as Overmen in the Paysheets commencing with the book for October, 1967 and in refusing to pay them wages in the pay scale provided for Senior Overmen by the Central Wage Board for Coal Mining Industry was justified?

1. Shri N. K. Lal.
2. Shri N. S. Sodhi
3. Shri N. Khawas.
4. Shri B. P. Verma.
5. Shri S. J. N. Sharma
6. Shri J. N. Seal.

If not, to what relief are the workmen entitled?

[No. 2/184/68-LRII.]

S. O. 4532.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Angarpathra Colliery of Messrs National Coal Company Private Limited, Post Office Katrasgarh, District Dhanbad and their workmen in respect of the matters specified in the Schedule hereto annexed ;

And, Whereas the Central Government considers it desirable to refer the said dispute for adjudication ;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Central Government Industrial Tribunal, (No. 1), Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Angarpathra Colliery of Messrs National Coal Company Private Limited, Post Office Katrasgarh, District Dhanbad, in refusing employment to the following workmen with effect from the 8th January, 1968 to the Dates mentioned against each was justified?

Sl. No.	Name	Designation	Date upto which kept idle.
1	2	3	4
1	Lalmani Mahato	Coal Cutter	25-3-1968
2	Munarik Mahato	Do.	Do.

Sl. No.	Name	Designation	Date upto which kept idle
1	2	3	4
3	Ramdhani Bhuia	Coal Cutter	27-3-1968
4	Mohan Bhuia	Do.	25-3-1968
5	Lulha Bhuia	Do.	Do.
6	Balwa Bhuia	Do.	Do.
7	Dukhia Bhuia	Do.	Do.
8	Lakhan Bhuia	Do.	Do.
9	Biltu Bhuia No. I	Do.	Do.
10	Dhanma Bhuia	Do.	Do.
11	Sarad Bouri	Do.	20-3-1968
12	Badshah Bouri	Do.	26-3-1968
13	Guru Pado Bouri	Do.	Do.
14	Rajju Bouri	Do.	Do.
15	Dwijo Pado Bouri	Do.	Do.
16	Gobardhan Bouri	Do.	Do.
17	Jagan Bhuia	Do.	Do.
18	Hulsa Bhuia	Do.	Do.
19	Bundi Bhuia	Do.	Do.
20	Bideshi Bhuia	Do.	27-3-1968
21	Sitaram Bhuia	Do.	26-3-1968
22	Kishun Bhuia	Do.	Do.
23	Bifan Bhuia	Do.	Do.
24	Chathu Bhuia	Do.	Do.
25	Faujdar Bhuia No. I	Do.	Do.
26	Shanker Bhuia	Do.	Do.
27	Budhan Bhuia	S. Trammer	Do.
28	Sanchar Bhuia	Do.	Do.
29	Bhaju Bhuia	Do.	Do.
30	Anarnath Turi	Do.	Do.
31	Bidwa Bhuia	U. G. Trammer	Do.
32	Sikha Bhuia	Do.	Do.
33	Khedan Bhuia	Do.	27-3-1968
34	Samid Mia	Bailing Mazdoor	23-4-1968
35	Munarik Gope	Coal Cutter	25-3-1968
36	Sato Bouri	Haulage Khalasi	15-3-1968
37	Tetar Bhuia	Trammers Sardar	Do.
38	Bandhan Bhuia	Coal Cutter	10-1-1968
39	Mahabir Bhuia	Do.	10-1-1968
40	Munilal Malah	Trolleyman	9-1-1968
41	Dhiraji Bhuia	Bailing Mazdoor	14-4-1968
42	Ramji Bhuia	Trammer	26-3-1968
43	Radhe Bhuia	Hazree Labour	2-4-1968
44	Kalo Bouri	Coal Cutter	28-3-1968
45	Hiralal Pasi	Do.	28-3-1968
46	Daswa Bhuia	Do.	31-3-1968
47	Ramna Bhuia	Trammer	27-3-1968

Sl. No.	Names	Designation	Date up which kept idle
1	2	3	4
48	Manbodh Rajwar	Coal Cutter	28-3-1968
49	Banshi Singh	Trammer	1-4-1968
50	Gangu Bhuia	Do.	31-3-1968
51	Matadin Pasi	Fireman	16-3-1968

If not, to what relief are the workmen concerned entitled?

[No. 2/144/68-LRII.]

BALWANT SINGH, Under Secy.

(Department of Labour and Employment)
Office of the Chief Labour Commissioner (Central)

ORDER

New Delhi, the 9th December 1968

S.O. 4533.—Where an application has been made under Section 19(b) of the Payment of Bonus Act, 1965 by Messrs Damodar Coal Co. (P) Ltd., (employer) in relation to their establishments mentioned in the Schedule below for extension of the period for the payment of bonus to their employees for the accounting year ending on 31st December, 1967.

And whereas being satisfied that there are sufficient reasons to extend the time I have, in exercise of the powers conferred on me by the proviso to clause (b) of Section 19 of the said Act read with the notification of the Government of India in the Ministry of Labour & Employment No. WB-20(42)/65, dated the 28th August, 1965, passed orders on 5th December, 1968 extending the period for payment of the said bonus by the said employer by 4 months from the last date for payment of bonus under clause (b) of Section 19 of the Act.

Now this is published for information of the employer and all the employees of the said establishment.

THE SCHEDULE

Name and address of the employer(s) Damodar Coal Co. (P) Ltd., P.O. Raniganj, Distt. Burdwan.

Establishment(s)
Damodar Colliery

[No. BA.5(15)/68-LSI.]

O. VENKATACHALAM,
Chief Labour Commissioner (Central)

(Department of Rehabilitation)
Office of the Chief Settlement Commissioner

ORDER

New Delhi, the 10th December 1968

S.O. 4534.—In pursuance of Rule 11-D(D)(A) of the Evacuee Interest (Separation) Rules, 1951, the Central Government hereby makes the following order to amend the order published with the notification of the Government of India in the late Ministry of

Works, Housing and Rehabilitation, (Department of Rehabilitation) No. S.O. 531 dated 6th February, 1964 namely :—

In the said Order,

For the words and figures "30th September, 1968" the words and figures "31st March, 1969" shall be substituted.

[No. 5(24)/59-Prop.II/Comp. & Prop.]

GULAB L. AJWANI,

Settlement Commissioner.

